# *Politica Sacra & Civilis:*

Or, A Model of

**Civil and Ecclesiastical**

# GOVERNMENT.

WHEREIN,

Besides the positive Doctrine concerning *STATE* and *CHURCH* in general,

Are debated the principal Controversies of the *TIMES* concerning the

# CONSTITUTION

OF THE

**State and Church**

OF

# ENGLAND,

Tending to Righteousness, Truth, and Peace.

By *GEORGE LAWSON*, Rector of *More* in the County of *Salop*.

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# THE EPISTLE TO THE READER.

Reader,

*IN the time of our diviſions, and the execution of God's Judgments upon the three Nations, I ſet my ſelf to inquire into the cauſes of our ſad and woful condition, and to think of ſome Remedies to prevent our Ruine. Whilſt I was buſie in this ſearch; I eaſily underſtood, that the Subject of our Differences was, not only the State but the Church. This gave occaſion to peruſe ſuch Authors as write of Government, and to ſtudy the Political part of the Holy Scriptures, wherein I found many things concerning the Conſtitution, the Adminiſtration, the Corruption, the Converſion and Subverſion of Civil States and Kingdoms, with much of Church-Diſcipline.*

*There I obſerved certain Rules of Government in general, and ſome ſpecial, and proper to Civil, or elſe to Eccleſiaſtical Polities. All theſe, according to my poor Ability I reduced to Method, and applyed them to our own Church and State ſeverally. I further took notice of our principal differences both Civil and Eccleſiaſtical, and did freely deliver mine own Judgment concerning the particular parties, and their Opinions, yet ſo that I endavoured to be of no Party, as a Party. And tho' in ſome things I differ from them, yet it was not out of ſingularity, or an humour of oppoſition, but out of an unfeigned deſire of Truth; which in many things I found ſo evident, that whoſoever ſhould not acknowledge it, muſt needs be wilful, and blinded with partiality or prejudice. Whilſt I go on in this work, I eaſily perceived, that as our ſins and impenitency brought God's Judgments upon us, ſo our ignorance and errours in matters of Government, with prejudice, partiality, pride, obſtinacy and want of charity were the cauſes of our diviſions, which gave great advantage to our Enemies and Foreign Polititians: who, as formerly, ſo now eſpecially at this time, fear our union and agreement more than ever,*

*ever, becauſe we are become a Warlike Nation, and furniſhed with Gallant Men both by Sea and Land, therefore their great Work is to continue our Differences amongſt our ſelves, as ſubſervient to their Intereſt. Theſe cauſes once diſcovered, the Remedies were obvious, if men were in any capacity to make uſe of them. For, ſincere repentance, and a real reformation private and publick, with the puniſhment of crying ſins, are very effectual to avert God's Judgments: And to renounce our Errours, to be informed in the Truth; to lay aſide all pride, partiality, prejudice, obſtinacy, ſelf-intereſt; to put on humility and charity, which is the bond of perfection, and to let the peace of God rule in our hearts, are the only way to quench the fire of Contention, and firmly to cement us together. Yet, though good men may propoſe clear truths, diſpel the miſts of Errour, perſwade to repentance, and pray, yet there ſeems to be little hope of peace and ſettlement. For, after ſo many fearful Judgments executed upon us, and ſevere admonitions given us from Heaven, pride, covetouſneſs, injuſtice, oppreſſion, malice, cruelty, and abominable hypocriſie continue, and nothing is reformed. This is the reaſon, why*

*God's hand is ſtretched out ſtill: many perſons have ſuffered, many great Families have been ruined, many feel God's heavy hand to this day: but who ſhall ſuffer moſt and laſt no man knows. Men of the ſame* Engliſh *Blood, and of the ſame Proteſtant Profeſſion continue obſtinate in their Errors, rigid and high in their Opinions, reſolved in their different Deſigns, admire their own Models of Government in Church and State, will not abate of their Confidence, and refuſe to recede from their ſuppoſed Principles. Some are for a boundleſs Liberty, and will not be confined by the rules and dictates of Reaſon or the common Faith revealed from Heaven; theſe have no Principles, but ſeem to have abandoned not only Chriſtianity, but their own reaſon. Some are for Peace, yet only upon their own terms, though not ſo reaſonable as they ſhould be. Some complain they are wrong'd, and muſt be ſatisfied: Others are very high and muſt be revenged. Every party muſt reign, or elſe they will be Enemies. Many men of great Eſtates and excellent Parts, who as yet have ſuffered little or nothing, look on as Strangers, and will do nothing, whilſt Church and State lye a Bleeding, ready to breathe out their laſt. And*

*what*

*what can be the iſſue, but that either we ſhall be brought very low, made a poor and baſe people, and willing of peace upon very hard terms, and yet hardly obtain it; or we ſhall be made a ſcorn and deriſion to the Nations round about us, a prey unto our Enemies, and they, who hate us, ſhall rule over us. To prevent ſo ſad a condition, my humble requeſt to all true hearted* Engliſh *Proteſtants, is, ſeriouſly to conſider,* 1. *What our Condition was before the* Scots *firſt entered* England *with an Army.* 2. *What thoſe things were, which then the beſt and wiſeſt deſired to be reformed both in Church and State.* 3. *What Reformation we are capable of at this preſent time.* 4. *Where the guilt of ſo much blood as hath been ſhed, eſpecially in* Ireland, *doth principally lye.* 5. *What our duty is as we are* Engliſh, *as we are Chriſtians, as we are Proteſtants, which amongſt other things is to deliver the Goſpel to our Poſterity, as we received it from our Fathers.* 6. *What may be the moſt effectual means according to the rules of Reaſon and Divine Revelation, to promote the publick good without reſpect of Perſons or Parties, that ſo*

*no wicked men, but onely ſuch as fear God, may have cauſe to rejoyce. This is all I thought good by this Epiſtle to ſignifie unto thee at the preſent, for the reſt referring thee to the Book, and remaining*

*Thine, to ſerve in the Lord,*

George Lawſon.

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*In*

# *In opus politicum viri clariſſimi* Georgi Lawſonii, *popularis mei.*

*Quis tandem auguſtas regnandi digerit artes,*
*Et ſolidam ſceptris commodat Author opem?*
*Inſtituit magnas ſubtilis pagina Gentes,*
*Dat populis pacem, principibuſq; fidem.*
*Publica privatâ ſudantur munia dextrâ,*
*Quod multi curant, unius ecce labor.*
*Tam benè regna locat, potuit regnâſſe videri,*
*Heu! major cathedrâ quàm fuit ille ſuâ!*
*Stant ſecura brevi ſubnixa Palatia chartâ,*
*Nec facilè amoto cardine, regna labant:*
*Vendicat hæc populis leges, vim legibus: armat*
*Te* Themi; *quæ debes plectere, ſola potes.*
*Nil metuas, neq; jam metuaris,* Regule; *demptum*
*Poſſe nocere aliis, velle nocere tibi.* (*eſt*
*Hæc ſuccurriſſet naſcenti pagina* Romæ,
*Ne vacet* Egeriam *conſuluiſſe* Numæ.
*Nôſſet* Sparta *iſthæc, duro formata* Lycurgo,
*Secula manſiſſet, quot ſtetit illa dies:*
*Nec tibi* Parthenope, *gemino quater amplius* * vid.
*Mutâſſet dominos plebs malefida ſuos.* (*anno** Comin. de
*Nec ſibi fœdâſſet faſtos tam turpiter Anglus,* bell. Neap.
*Mille per incertas mobilis uſq; vices.* lib. 5.

*Quam*

*Quam bene* Lawſoni! *magni dignissimus hæres*
*Nominis, ille ſalo jura dat; ipſe ſolo.*
*Qui regnare doces & qui parere, libenter*
*Imperium calami cedimus ecce tibi.*
*Te tantum genuit vicus brevis, angulus orbis*
Langcliff, *naſcenti conſcia terra mihi.*
Eboracæ *invideant, vel* Athonæ; *debeo plura*
*Jam pro te patriæ, pro patriâq; tibi.*

J. Carr, M. D.

THE

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to

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# LIB. I.

## CHAP. 1.

### *Of Government in General, and the Original thereof.*

PRropriety is the ground of Power, and Power of Government; and as there are many degrees of Propriety, so there are of Power: Yet as there is but one Universal and absolute Propriety, so there is but one supream and universal Power, which the most glorious, blessed, and eternal God can only challenge as his due. For he contrived all things by his *wisdom*, decreed them by his *will*, and produced them by his *Power*, and to this Day *worketh all things according to the counsel of his will*, Ephes. 1.11. In this respect he is *worthy to receive Glory, and Honour, and Power, because* he *hath created all things, and for* his *pleasure they are, and were created*, Rev. 4. 11. By Creation he began, by Conservation he continued to be actually the Proprietary of all things: for he made them of nothing, and Sect. 1.

gave them being and exiſtence, ſo that they wholly always depend upon him, and are abſolutely his. Therefore he hath power to diſpoſe of them as he pleaſeth, and to order them to thoſe ends he created them. This ordination of them, which began immediately upon Creation, continueth and ſhall continue to the end, and is either General of all things, or Special, of ſome ſpecial, more noble and more excellent Creatures: Such are Men and Angels, endued with underſtanding and Free-will, and capable of Laws, rewards and punſhments, both Temporal and Eternal. The ordination of theſe is more properly and ſtrictly called Government, which is a part of divine Providence: The Government of Angels no doubt is excellent and wonderful, though we know little of it, becauſe not revealed.

Sect. 2. That of men is more fully manifeſted to us as men, in that Book of books, we call the holy Scriptures, the principal ſubject whereof is the Government of man, as ordered to his final and eternal Eſtate. This Government is two-fold, 1. That of ſtrict Juſtice, 2. That of ſweet mercy in Chriſt; For it pleaſed the Eternal Sovereign to bring Man fallen back again, and raiſe him up to an Eſtate of eternal Glory; this was his great deſign, wherein he moſt glorioufly manifeſted his divine perfections of Wiſdom, Juſtice, Power, and eſpecially of free Mer-

Mercy; this man we find in a two-fold capacity; the first is temporal, confined to this mortal life, the second is spiritual, and in both he is subject to his Maker and Eternal King, who doth not always exercise his Power himself immediately, either in the constitution or administration of these earthly States, but as he useth the ministry of Angels, so he makes men his Deputies and Vicegerents, these are called Higher Powers ordained of God, who are trusted with, and bear the Sword to protect the good, and punish the bad, according to certain Laws and Rules of Wisdom and Justice. This power may reach the Persons and the goods of mortal man, but not the Soul and Conscience, which are exempted and reserved to the Tribunal of God, who cannot only kill the Body, but cast both Body and Soul into Hell, and reward Men with Spiritual and Eternal Rewards, which the Powers of the World cannot do. Of this Government by the temporal Sword something shall be said in the following discourse, but with some reference to that which is Spiritual, that the generals wherein they do agree, the particulars wherein they differ, the subordination of the one unto the other may be the better known. All men should be of this spiritual Society, but are not many excluded through their own fault and just Judgment of God? This separation was made betimes, for we read of *Cain*

caſt out of God's preſence, and excommunicate; of the Sons of God, and the Sons of Men before the Flood; of Jews and Gentiles, after that the World was peopled by the Sons of *Noah*, and the Family of *Abraham*, *Iſaac* and *Jacob* ſingled out of all other Nations, and this before the Incarnation and the Glorification of the *Meſſias*. And ſince then we may obſerve that there are Chriſtians oppoſed to Pagans and Idolaters, which do not acknowledge one only God; to *Mahometans*, who acknowledge the true God, who made Heaven and Earth, but not God Redeemer by Jeſus Chriſt; to Jews, who confeſs God the Creator, and Jeſus Chriſt in general, but as yet to come; to Apoſtates, who firſt profeſſed the Truth, but afterwards denying it; are Excommunicated by a Sentence and Decree of Heaven: Though theſe be many, and of ſeveral and different ſorts, yet they are reducible to two Societies or Cities, the one of God, the other of the Devil, as the learned *Auſtin* did well obſerve in his excellent Treatiſe of the City of God; this Spiritual Society was governed by God, as ſole Monarch from the beginning, without any Vicar or Deputy univerſal, till ſuch time, as Chriſt having finiſhed the great work of expectation, was ſet at the right hand of God, and made the Adminiſtrator general of the Church Chriſtian, for now that is the name of this Spiritual Society. This Church, and eſpecially as Chriſtian,

ſtian, may be conſidered under ſeveral Notions, and diſtinguiſhed into that which now triumphs in Heaven, and is ſecure of everlaſting Bliſs, and that which is militant aiming at a final Victory, and expecting a perpetual Peace. 2. This militant Church may be conceived to be either as myſtical, conſiſting only of real Saints, and ſuch as by a lively Faith have Fellowſhip with Chriſt, and are living members of his Body; or viſible, of ſuch as acknowledge and profeſs their Faith in God, and in his Son Jeſus Chriſt already exhibited, and ſet at the Right hand of God; and becauſe the ſincerity of this Profeſſion is known certainly to God alone, therefore in this viſible Society we find *Judas* amongſt the Apoſtles; *Simon Magus* amongſt Chriſtians; Phariſees and Saduces, though a generation of Vipers, amongſt the Diſciples of *John Baptiſt*, yet theſe are but Chaff, upon the Floor mingled with the Wheat, and by the Fan in Chriſt's hand to be ſeparated, and burned with unquenchable fire.

This Viſible Church militant may be Sect. 3.
conſidered either as Univerſal or Particular. The Univerſal is the number of all Chriſtians living on Earth, who by their profeſſion of Faith in Chriſt already come, ſignifie that ſubjection to Chriſt, and their relation one to another as Brethren. In this reſpect the Government of the Church is Monarchical under one Head Jeſus Chriſt,

who never appointed any one Vicar Univerſal, or ſupream Independant Judicatory viſible on Earth, with plenitude of Power over all Chriſtians of all Nations. The Word, Sacraments, Miniſtry and the outward means of Converſion belonging to this Church, as conſidered under this notion; and every particular perſon therein is firſt admitted into this Society, and made a Member thereof before he can be a Member of any particular Church; Though one baptized in a particular Church under a form of externel Government may be ſolemnly received both as a member of the univerſal, and alſo that particular Body at one and the ſame time; yet in order of nature he muſt be conceived as a member of the univerſal, before a Member of that particular; For we are firſt Chriſtians, and ſubject to Chriſt, before we can be ſubject to the Power of any particular Church. For we are baptized into one Body Univerſal, and in the Name of *God the Father, Son, and Holy Ghoſt*, not into the Church of *Rome, Corinth, Epheſus, Jeruſalem*, or into the Name of any of the Governours or Officers of theſe Churches: particular viſible Churches are parts of the univerſal, and are firſt ſo many ſeveral Commonities denominated uſually from ſome place, and after that by aſſociation and conſent receive a form of Government viſible and external. This kind of ſpiritual viſible policy, and the Government

*Scope of the Work.*

ment thereof is the principal ſubject of the enſuing diſcourſe, wherein I aim at Peace and Truth, deſiring not to kindle, but to quench, or at leaſt abate the flames of diſſention, which ſo long and ſo violently have raged amongſt us.

The Government of theſe particular Churches at this preſent time is the ſubject of ſo many Diſputes amongſt us, that ſome doubt whether there be any ſuch thing or no; ſome preſuppoſe it, but know not what it is; ſome make it to be the ſame with Civil Government; and put all the Power in the Civil Magiſtrates hands, and only except the Word and Sacraments, which they grant to Miniſters; ſome take thoſe from the Miniſters, and make this adminiſtration common to others with them; and becauſe there is no certain order eſtabliſhed amongſt us, therefore many are our diviſions, and fanatick Sects are multiplyed. Some are ſubtil and politick agents, and divide the Church that they may diſturb the State; theſe care not much what the Doctrine is, ſo they can ſeparate thoſe which ſhould be united. Some deſire to propagate their own Opinions, though falſe, unprofitable, blaſphemous, and their deſign is to draw Diſciples after them. Theſe prevail the more, becauſe they find the minds of many ſo ready to receive any impreſſion. For ſome have *itching ears*, and every new and ſtrange opinion doth affect and much take with them: Few are well grounded in the Sect. 4.

*Means to prevent Errors.*

principles of Christian saving truth, so as to have a distinct, methodical knowledge of them, with an upright humble heart disposed to practise what they know; for a distinct knowledge of Fundamentals, with a sincere desire and intention to practise and live accordingly, are excellent means to avoid Errors, for such God will guide in his truth; some aim at an higher perfection than this life can reach, and boasting of their high attainments insolently censure others, or look upon them with scorn and contempt, as far below them. Some design to make Men Scepticks in all matters of Religion, that then their minds being like Matter ready to receive any form, they may more easily imprint upon them what they please; yet in the issue many of them prove *Atheists* and enemies to all Religion. The grand Politicians and chief Agents, who do least appear, animate the Design, take all advantages, watch all opportunities, single out the fittest persons, and make men even of contrary Judgments, and of a temper quite different from themselves, instrumental and efficient to their own Ruine; yet I hope that God in the end will not only discover, but disappoint them. All these bandy together, and do conspire to destroy the Protestant English interest, and it's a sad thing, that Orthodox Christians take little notice of these things, but fearfully wrangle about matters of less moment, to the great prejudice of the necessaries and substantials of Religion.

All

All this is come upon us for our neglect and abuse of a long continued Peace, and the light of the Gospel shining so gloriously amongst us. We are guilty, but God is just, and also merciful and wonderfully wise. For he is trying of us to purge away the Tin and dross; and he expects that we should search more accurately, pray more fervently, and more humbly depend upon him, whose wisdom is such as that he can and will bring light out of darkness, good out of evil; and a far more excellent Order out of our confusions. The prayers of the upright for this end are made and heard in heaven already, and what we desire in due time shall be effected: For he will comfort *Sion*, he will comfort all her waste places, and he will make her Wilderness like *Eden*, and her Desart like the Garden of the Lord. This indeed is a work to which man contributes little, hinders much, retards long, that Gods hand and Wisdom may the more appear, and that he may have the glory. In the mean time Christ takes care of the universal Church, and the parts thereof, converting some, confirming others, and directing all true believers to eternal Glory; and though a storm be raised, and the same very terrible, yet it's nothing, but we may be confident, when we consider the skill and miraculous power of our Heavenly Pilot. Sect. 5.

My intention is not to instruct the learned, who are more fit to be my Masters, yet to these Sect. 6.

these endued with far more excellent gifts I would give occasion, and also make a motion to exercise their improved parts and learning in this Subject, and do this poor distracted Church of ours, a part of the universal, some far more glorious service. God may make me, though very unworthy, an instrument of his Wisdom to inform the ignorant, and remove their Errors, and correct their mistakes. It may also through God's Blessing contribute something unto Peace, by uniting well affected minds: I am enemy to no man, yet professedly bent against errors; and that not only in others, but also in my self, if once I know them. I am not pre-engaged to any Party, but a servant unto truth, and devoted unto Peace. I wish I may not be prejudicate, or partial, or precipitate as many do, who contend to maintain a Party or a Faction, but do not care to search out the truth; these do not close up, but open the breaches amongst us, and make them wider, and leave others unsatisfied. Our differences be so many, and so great, that we seem to be uncapable of any Peace; yet God can do wonders, and we may trust in him, who in his time will give us Peace, if not on Earth; yet certainly in Heaven, the place of our Eternal Rest.

CHAP.

# CHAP. II.

## *Of Government in general, and of a Community Civil.*

Sect. 1. *The reaſon of differences in Church-Affairs.*

CHurch-Government preſuppoſeth the Rules of Government in general, therefore he that will know the latter, muſt underſtand the former: For he that is ignorant of Government, muſt needs be ignorant of Church-Government; and this is the very caſe of many in our days, and this is one cauſe of many differences amongſt us at this time; to give ſome light in this particular, I will ſay ſomething of Government in General, the Government of God, whereby he more immediately orders man to his final and immortal eſtate; I have according to my poor ability declared in my *Theopolitica*, or Divine Politicks, therefore I will confine my diſcourſe to the Government of man by man, or rather the Government of God by men ſet over men. For God communicates ſome meaſure of his Power to mortal men; and ſuch as are entruſted with it, become his Vicegerents and bear his name, according to that of the Pſalmiſt, *I have ſaid ye are Gods*, Pſal. 82. 6. My deſign in this Treatiſe is not to deliver an exact Syſteme of Politicks, yet I will make uſe of thoſe rules

rules I find in political writers of better rank, but with a reservation of a liberty to my self to vary from them, as I shall see just cause. To pass by the distinction of Government Monastical and Oeconomical, I will pitch upon that which is Political. The subject whereof is a Community and Society larger than that of a Family, and may be sufficient to receive the form of a Common-wealth.

Sect 2. To this end we must observe what (*Politica*) which some call the rule of Government of a Politie is. 2. What a Politie or Common-wealth. 3. What the parts of (*Politica*) be.

*Politica*, or Politicks is the act of well ordering a Common-wealth.

A Common-wealth is the order of Superiority and Subjection in a Community for the Publick Good.

*What a Common-wealth in general is.*

Of Politicks there be two parts, the { constitution / administration } of a Common-wealth.

*Foundation of the Work.*

These Rules are the foundation of the following Discourse, and inform us that (*Politica*) is an act, that is a rule of Divine Wisdom to direct some operations of the Creature: for so I understand it here. 2. That the Object of this rule is a Common-wealth. 3. That the proper act is to direct

rect how to order a Common-wealth aright, ſo that it may attain its proper end. 4. That the ſubject matter of a Common-wealth is a Community or common and publick Society of Men. 5. That the Form is an order of Superiority and Subjection eſtabliſhed in this Community. 6. That the end of this order is the common good or benefit of the whole and every part. 7. That ſeeing a Common-wealth muſt firſt be made by eſtabliſhing the order of Superiority and Subjection, and being once made, muſt act according to the order determined; therefore *Politica* muſt have two parts, the firſt muſt be the Rule of the Conſtitution, the ſecond the Rule of Adminiſtration. For the more orderly proceeding in this particular, I will begin with the Conſtitution, which will take up the firſt Book of this Treatiſe; then I will proceed to the Adminiſtration, the Subject of the Second Book.

Sect. 3. *Conſtitution.*

The Conſtitution is the ſetling of an order of Superiority and Subjection in a Community, whereby it becomes a Common-wealth. And we may be allowed to ſay, that a Community is the matter of a Common-wealth; and a Common-wealth, as ſome underſtand it, the form of a Community. Theſe two, 1. a Community, 2. a Common-wealth, are chiefly to be handled in this firſt Part.

A Community may be considered in { General. / Special.

In General I will examine the { name. / nature.

*Community in general.* The name in Hebrew is עם in Greek Πόλις and that may come of Πολὺς, becauſe the matter of a Community is a multitude, in Latine, *Civitas*, *Populus*, and here obſerve, that Πόλις Πολὺς, *Populus*, *Publicus*, ſeem to have ſome affinity; yet we muſt diſtinguiſh between *Civitas* and *Urbs*. For the former ſignifies the People, the latter the Place, Buildings, Habitations of the People. The *Romans* promiſed the *Carthaginians* not to deſtroy *Civitatem Carthaginis*, to make good their word, they brought out the People, which was *Civitas*, and then ruined *Urbem*, the Place, Buildings, Walls, Houſes; though *Plebs* and *Populus*, as *Civitas* and *Reſpublica*, are ſometimes taken for the ſame, yet more properly *Plebs* ſignifies the meaner and inferiour part of the People, and *Populus* the whole Body, both the higheſt and the loweſt. *Civitas* alſo differs from *Reſpublica*, as the Matter from the Form, the Body from the Soul in many Writers of Politicks. The Hebrew word עם is turned by the Septuagint moſt frequently, Λαὸς, *Populus*, the People; yet ſometimes Ἔθνος, a Nation, ſometimes Ὄχλος, a confuſed mul-

multitude, ſometimes Συναγωγή, a Congregation, ſometimes ΠΛΗΘΟ, a multitude, ſometimes ΓΕΝΟ, a Generation; all theſe ſignifie a multitude of Perſons, ſome ways united and combined together, which agrees always unto a Community. *Forſterus* tells us that עם is a multitude of People or Society, which being joyned together, have the ſame Name, Language, Laws, Religion, Politie. Though this is true ſometimes, yet it is not always ſo; and to have the ſame Politie, is not only to be a Community, but a Common-wealth. It's true, that *Iſrael*, not long after their coming out of *Egypt*, had the ſame Name, Language, Laws, Religion, Politie, both Civil and Eccleſiaſtical.

This is the Name, the Nature follows, and we may learn it out of *Auſtine*, as he did from the *Roman* Oratour, according to both theſe, *Reſpublica eſt res Populi. Populus eſt cœtus multitudinis juris conſenſu & utilitatis communione ſociatus*, in another place, *Populus eſt cœtus multitudinis rationalis, rerum quas diligit, concordi communione ſociatus. Arniſæus* out of *Ariſtotle* deſcribes it to be a perfect Society of *Vicinities*, having all things neceſſary to an happy Life; yet becauſe theſe definitions are not perfect, I will firſt enquire further into the nature of a Community, as it is the ſubject of a Common-wealth. 2. Diſcover the Original of Communities, 3. Declare who are Members of a Community. *A Community is a Society*

Sect. 4. De C. D. lib. 19. Cap. 21. Cap. 22.

*of*

*of Persons immediately capable of a Common-wealth*; or *it is a Society fit to receive a Form of Publick Government*: This is the general nature of a Community, which may be considered under a Civil or Ecclesiastical notion.

Sect. 5. *What Community Civil is.*

A Community Civil is a Society of Families and Vicinities fitted for, and capable of a Common-wealth Civil. And here I will take ocasion more distinctly to explain what is a Community in general. 2. What this Community Civil is. In a Community there are Men; for the matter of it is rational, not irrational Creatures. 2. There must be a multitude of them. 3. This must be a multitude of Families and Vicinities to distinguish it from a Colledge, an University, an Armie, and other occasioned Multitudes. 4. These must Associate and be United together; for they make up this body, not as severally considered, but as joyned together in one; for the *Genus* is a Society. This Society presupposeth Union, and is a Communion, whereby they Communicate in something common to the whole; as in an Organical Body, there are many Members. 2. These are united to make one whole body of many parts. 3. From this Union ariseth a Communion and Participation in some things which agree and belong unto the whole body as a body. This Union doth not arise meerly from some accident or cohabitation, or natural instinct, but from a rational and just consent, *ex juris Consensu*, saith *Cicero*; for

for till they be thus united, they cannot be immedately capable of, or *in proxima potentia* to a Common-wealth, therefore, this union must be rational, according to that of *Austine*, *Populus est cœtus multitudinis rationalis.* 2. It must be free and voluntary, for it is by consent. 3. Because Thieves, Pirates, Conspirators, Murtherers, Seditious Persons, yea Devils may be united by a rational consent, and yet cannot make a Common-wealth, neither can be any fit subject thereof: it must be just, for so the learned Father understands the words of the great Orator, *ex juris consensus*, though all multitudes of men by the light of Nature, or by the Laws of God revealed, if they enjoy divine Revelations, are bound to associate and unite so far as God shall direct and enable them, yet they cannot associate unjustly. For they are bound to associate and unite so far as God shall direct and enable them, yet they cannot associate unjustly. For they are bound to observe certain Rules of eternal Justice, so that both the things wherein they unite, and the manner of uniting must be just; and the more just the association, the more excellent and perfect the Common-wealth and Ordination may be. From this union ariseth a communion or common union; or as they are one common union; for as they are one common body, so they have some things, Acts, Rights, which are common; wherein all

jointly have a ſhare or part: for a Community is one perſon morally conſidered, and whatſoever is not private is publick and common. Theſe common things may be few or many: and as the Perſons united have one common Reaſon, Will, and Power, ſo they all communicate in theſe things, and do certain common Acts as a Society, which are acts not of a part but of the whole. Yet theſe things, Acts, Rights, Priviledges, Intereſts, differ from thoſe which are common either unto other Creatures, or Mankind in General. This Society was ordained of God for the benefit of mankind, and tends much unto their good and happineſs, temporal at leaſt. For God ſaw at the firſt Creation, that it was not good for man to be alone, therefore he created Woman, who together with Man, was the root and Original of all Humane Societies; *Gen.* 2. 18. *Two ſaith the Preacher are better than one, and woe be to him that is alone, Eccleſ.* 4. 9, 10. where his principal intention is to ſhew the excellency and benefit of Society, yet he preſuppoſeth Love, Humanity, and a nearer affection to thoſe of one and the ſame Society, than to all mankind in general; and in this Civil Society there muſt be Families to diſtinguiſh it from ſingle Perſons, and Vicinities to difference it from Families, and 2. An aſſociation both rational and juſt, ſo 3. There muſt be in them thus aſſociated an immediate capacity and fit-

fitneſs, to receive a Common-wealth or form of Government. For though this aſſociation conduceth much unto their ſafety, help, comfort, and furniſheth them with many things not only neceſſary, but convenient, which without aſſociation they could not ſo eaſily enjoy, yet without a form of Government, theſe advantages could not be ſo firm and laſting. This fitneſs, capacity, and immediate diſpoſition to a form of civil Government doth not ariſe ſo much from the multitude of the perſons, or extent and goodneſs of the place of their habitation, as from their good affections one towards another, and the number of juſt, wiſe and eminent perſons amongſt them, who are fit, not only to be the matter of a ſtate, but to model it, and order it once conſtituted; experience hereof ſufficient we have at this day in this Nation; for ſo many and great are our differences both in judgment and affections, and our ſeveral intereſts ſo contrary, that the ſame Language, Laws, Religion, common Country cannot firmly unite us together; but we are ready every moment to fly aſunder and break in pieces, if we were not kept together rather by the ſword of an Army, than by any civil Power and Policy, or good affection; this is a ſad condition, and a juſt judgment upon us for our ſins.

This is the firſt thing whereof I thought Sect. 6.

to inform the Reader, that he might the better understand the nature of a Community, before I said any thing of the original thereof, which is the next in order. The original is either natural or accidental. The natural source is that which hath some principles in the Creation of man, who though fallen retains something of Creation, whereby he continues not only a reasonable creature, but also sociable. For man by nature, as the Philosopher observed is, ζωὸν πολιτικὸν a sociable creature, because he hath not only reason, but speech, without both which there can be no human Society, as humane amongst us. This natural propension to Society presupposeth mankind actually existing and multiplyed; therefore it pleased God at the first to make man and Woman the foundation of a Family, and Families of Vicinities; this is the reason why the Authors of Politicks, following the Philosopher, speak so much of œconomical relations, as the foundation of a Community. The first Relation is of Man and Wife, the second of Parents and Children, the third of Masters and Servants; God at the beginning did give men not only reason and language, but a power of Generation, with a blessing, so that one man and one woman joined in the sacred bond of Matrimony became husband and wife first, and then Parents of children and of Childrens children, till they multiply to a numerous

*Original of community.*

merous Posterity. Thus God blessed our first Parents before, and *Noah's* Family after the Flood, that they replenished and peopled the Earth, and became not one, but many Communities. And it was a strange providence and wonder, to divide the multiplyed Posterity of *Noah*, by diving the Language, into several companies, and disperse them into several parts of the Earth; and hence the many Societies of the World, and their different Communities God Promised *Abraham* to *make him a Father of many Nations*; that is, not only of many civil, but spiritual Societies, *Gen.* 17. 5. and he said to *Rebekah*, *two Nations are in thy womb*, *Gen.* 25. 23. Thus *Jacob's* Family multiplyed in *Egypt* to a great Community; so that the original of Societies civil are from God, the cause of all things, 1. As making men, and enduing them with reason and speech. 2. As multiplying and blessing them. 3. As dividing them into several parts and portions of the Earth, where they may cohabit and have communion one with another. 4. Besides all these, he so creates them, and orders them in the very first molding of them, when they are multiplyed, that they have need one of another, and one may be beneficial and helpful unto another, so that their subsistence and their well-being depends upon Society, for as he hath made the Body to consist of many members, so that they have their several

veral offices and miniſtrations, all uſeful one for another, ſo that the body cannot be a body without many members, nor ſubſiſt without ſome neceſſary parts, nor well continue or be perfect and intire without all and every one, ſo in like manner hath he compoſed theſe great Bodies and Communities; ſome by his providence are Rich, ſome are poor, ſome wiſe, ſome ignorant, ſome ſtrong, ſome weak, ſome bold, ſome timorous, ſome fit for learning and more noble place, ſome of inferiour quality; ſome fit for husbandry, ſome for trade; and ſome fit for one trade, ſome fit for another: Though we, who have our houſes, Stocks, Trades, Fairs, Markets, Towns, Cities, Villages, do not underſtand this ſo well; yet they, who make new diſcoveries, and begin new Plantations, are very ſenſible of the neceſſity and benefit of Society civil. This was made evident by that policy of the Philiſtins, who by taking away from *Iſrael* their Smiths, and depriving them but of one trade, diſarmed the great body of that Nation; for we read there was no Smith found in all the Land of *Iſrael*, ſo that it came to paſs in the day of battel, that there was neither Sword nor Spear found in the hand of any of the people that were with *Saul* and *Jonathan*; and when God intended to ruine not only the State, but the Community of *Judah*; he threatens to take away not only the mighty man, the man of War, the Judge,

Judge, the Prophet, and the Prudent, and the Ancient, the Captain of Fifty, and the honourable man, and the Counsellor, but the cunning Artificer, and the eloquent Orator, *Isa.* 3. 2, 3. Though God alone can be fully happy by himself alone, without Man or Angel, or any company, yet man cannot. Man solitary is very imperfect, and like a Body which wants some necessary parts: God knows this full well, therefore he so orders Multitudes of Vicinities, that he inclines them by their very constitution to Society; for by it they are not only stronger and more able to defend themselves, and provide for their safety, but also they are better supplyed with necessaries, and commodities; what one hath not, another hath; what one cannot do, another can; what few are not able to effect, many may, and all much more. But that whereby God is the immediate cause of Society is voluntary consent, to which he inclines their hearts, when he hath once multiplied them and cast them together. This consent whether tacit or expres is grounded upon Love and good Affection, with an intention to do good and just things one for another, according to the work of the eternal Law written in their hearts. The accidental original is when by divine Providence many from several Countries are cast together in one Place or part of the Earth, and that upon several occasi-

ons, or for several causes; these in time grow familiar and acquainted one with another, and for mutual Help, Safety, Benefit, cement into one Body, and according to the dictate of natural Reason, join in one common Interest; this, some say, was the original of the State of *Venice* at the first. Thus the several distinct Communities upon the division of Languages at *Babel* had their beginning. Thus one part of a Community seeking some new place for their habitation, becomes a distinct Community of themselves.

Sect. 7. *Members of a Community.*

The Third thing to be considered is, who are Members of a Community. To say nothing of Municipal Societies, Colonies, Plantations, Provinces, Titular Members, who are only *Cives honorarii*, this is a general Rule, that after a form of Government once introduced, whosoever are Subjects, are *Cives*, Members of that Community, and continue such, though the form of Government be altered or dissolved: For there are degrees of them; for some are *virtualiter & diminutè*, some *formaliter & plenè*, some *eminenter Cives*, Members of a Community, that is, they are either imperfectly or perfectly such. The lowest rank is of such as are not *sui juris sed sub potestate alienâ*, free and in their own Power. To this form are reduced Women, Children, Servants, Strangers, whether sojourning, or inhabiting out of their own Common-

Common-wealth; ſome kind of Tenants or Vaſſals do ſo much depend upon others; that they are not competent Members; all theſe are virtually included in others upon whom they depend. Formally and fully Members are all ſuch, as being Males of full Age, Free, Independant, have the uſe of Reaſon, and ſome competent Eſtate; ſuch Freeholders ſeem to be with us.

Theſe become ſuch by { Birth, Election, Manumiſſion.

Or they are { Natural, Naturalized.

Being once ſuch, they have *Jus ſuffragii in publicis*, as our Freeholders have a Vote in chuſing their Knights for the Parliament, and they virtually give their ſuffrage in that Aſſembly by their Repreſentatives. *Eminenter Cives* are ſuch, who by reaſon of their Deſcent, Eſtates, Parts, Noble Acts, are not once Members, but ſomewhat more, as being fit for Honour, Offices and Places of Power, if once a Common-wealth be conſtructed.

There be amongſt others three inſe- Sect. 8.
parable adjuncts of a Community; as a Community, Propriety of Goods, Liberty of Perſons, Equality of the Members; Propriety there muſt needs be, and the ſame Abſolute and Independant: the reaſon hereof is, becauſe, what a Man hath juſtly acquired, is his own by the Law

of

of Nature, which a Community doth not take away; and further, there is no *dominium eminens*, as in a Common-wealth there must necessarily be. Liberty of Persons there is, because every compleat Member is *sui juris*, and no ways bound by the Rules of a Civil supream Power; and this is more than can be in a State once constituted, wherein this Liberty is bounded by Allegiance and Laws: there is Equality, for there is no Superiour or Inferiour in respect of Government, because there is no Government, no Sovereign, no Subject, all are fellows, *Et socii quatenus socii sunt æquales*; inequality of Superiour and Inferiour Civil ariseth from a form of Government, which is sometimes Despotical, that it is destructive both of Liberty and Propriety. This inequality is consistent with an imparity of Birth, Parts, Estate; for Age: for this is from Nature or Providence; these Civil Societies may be less or greater both in respect of the number of Persons, and extent of Place: Neither can the certain number of Persons, nor the particular bounds of Place be well determined. If it be be too large, it cannot so well unite, if too little, it's insufficient to protect or provide for it self, and so falls under the protection of others.

Sect. 9. This Community Civil considered abstractively and antecedently to a form of Government not yet introduced, or upon

upon a diſſolution of a former model, or upon a failure of Succeſſion in a time doth virtually contain a Supreme Power, and hath a Liberty and Right to determine upon what Form they pleaſe, ſo that it be good; though it's true, that this Power may be taken from them by a Potent Invader, or ſome other way; and here it is to be noted, that when a Form of Government is altered or diſſolved, any Community may remain, nay, under a Government it retains the nature of a Community, as the matter and ſubject of the Common-wealth, wherein every Subject muſt be conſidered, firſt, as *Civis*, a Member of the Community, before he can be conceived as *ſubditus*, a Member of the Common-wealth. This ſtricter Aſſociation of a Multitude, to make a particular Community, doth no way hinder their Society or Communion with other Communities, or with all Mankind upon the Earth ſo far as is poſſible, in things which may add unto their Happineſs.

CHAP.

# CHAP. III.

## *Of an Eccleſiaſtical Community.*

Sect. 1. *Eccleſiaſt. Community.*

Hitherto of a Community in general, and of a Community Civil, that which we call Eccleſiaſtical follows: this in oppoſition to that which we call Temporal and Civil is Spiritual, and is ſuch in reſpect of Religion; for as there are matters of this life, which concern us as mortals with relation one unto another, ſo there are matters of God, ſpiritual, divine, and of a far higher allay; there is no Nation or People, though rude and barbarous, but profeſs ſome Religion, by the obſervation whereof they acknowledge their dependance upon a ſuperiour Power and Providence far above that of mortal man; yet many, contrary to the very light of Nature, either worſhipped that which was not truly God, or with the true God a falſe Deity; or the true God alone, without any certain rule and direction from Heaven, after the invention of men, or the ſuggeſtion of the Devil, of theſe there have been many Communities, which I will no further mention; for theſe were never called Churches, or the people of the living God; for the true Church is a Community of ſuch as worſhip the true and living God, according to certain rules of Truth revealed

revealed from Heaven, and now contained in the holy Scriptures. And theſe direct us to worſhip God, not only as Creator, but as Redeemer by Chriſt: Such a kind of Society there hath been ever ſince the Fall of *Adam*, and the firſt promiſe of Chriſt; and all theſe Societies of all places and all times might be called Chriſtians, becauſe all the members thereof profeſſed Faith in Chriſt, either as to come, or already come; yet becauſe theſe Believers and Worſhippers of God the Redeemer began to be called Chriſtians after Chriſt's Exaltation at the right hand of God in the Apoſtles times; I intend principally to ſpeak of this Community Chriſtian in the times of the New Teſtament; therefore to paſs by the Churches before the Floud, and after till the time of Chriſt's exaltation, I will confine my ſelf unto the Communities Chriſtian in the latter and ſtricter ſenſe.

Theſe things premiſed, a Community Eccleſiaſtical is a Society of Chriſtians in an immediate capacity to receive a form of ſpiritual external Government. The principal parts of this Chapter ſhall be, 1. The explication of the Definition. 2. A Declaration of the manner how we become members of this Society. 3. The Determination of the ſeveral and diſtinct degrees of theſe members. The firſt thing in the Definition is the matter, and that as Chriſtians: and eſpecially in the ſtricter ſenſe. Sect. 2.

ſenſe. I do not ſay it's a Society of Families, as formerly was expreſſed in the Definition of a Civil Community. For though the Churches of *Jeruſalem*, *Antioch*, *Rome*, *Corinth*, *Epheſus*, and other places, might in their ſeveral diviſions and precincts contain ſome whole Families, and perhaps Vicinities Chriſtian; or becauſe their habitation was in the ſame City or place, they might be called Vicinities, in which ſence all particular Churches ſhould be Vicinities: yet our Saviour tells us, that upon the preaching of the Goſpel, there ſhould follow ſuch a diviſion in Religion, even in the ſame Family: That *there ſhould be five in one houſe divided, three againſt two, and two againſt three*, Luke 12. 52. So that there might be ſeveral Religions profeſſed and exerciſed in one Family, and the perſons of ſeveral Societies. Thus it is with us ſince our unhappy diviſions: for the Husband ſometimes is of one Church, the Wife of a ſecond, the Children of a third or fourth. Yet ſometimes a whole Family might come in together: as the Nobleman or Ruler of *Capernaum* believed and his whole houſe, *John* 4. 53. *Lydia* and her whole Houſhold were baptized at one time. The Jaylor and his whole Houſe believed, and was baptized the ſame night, *Acts* 16. 33, 34. As in Families, ſo much more in Vicinities, not only ſeveral, but alſo contrary Religions have been practiſed. So that the firſt thing

thing to be conſidered in the Definition, is perſons as Chriſtians. And here I might take occaſion to enquire, Whether a Pariſh may be a Congregation Chriſtian, and a multitude of Pariſhes in the ſame Vicinity may be a Community Spiritual, Mr. *Hooker* gives occaſion of this enquiry. A Pariſh may be conſidered under a Civil or Eccleſiaſtical Notion: Under a Civil, as firſt made by a Power Civil, and alſo a civil Society as a part of an allotment for civil ends, and under civil Officers. In an Eccleſiaſtical action it's a Society and Body Politick Spiritual, appointed for Worſhip and Diſcipline. In which reſpect it conſiſts as a Vicinity of ſuch perſons as within the precincts thereof profeſs the ſame Religion, and joyn in the ſame worſhip, have one and the ſame Paſtour or Paſtours, and uſually frequent the ſame religious Aſſemblies. In this reſpect, if either Jews, or Heathens, or *Mahometans*, or *Hereticks*, or *Pagans* died within the ſame Precinct, they are not of the ſame Society, yet are bound to pay their Tythes for the maintenance of God's worſhip in that place. And theſe Tythes, as determined by the civil Magiſtrate, to be payed in that place, and to be recovered by civil Laws, may be called a Lay-fee: but as they are due to Chriſt for to maintain the Goſpel and divine Worſhip, they come under another notion. Further, though the Paſtour of ſuch a Pariſh may, as opportunity

portunity is offered and occaſion requires, do Chriſt ſervice in other places, yet he is in a ſpecial manner bound to that place, and not only to edifie the converted, but to convert the unconverted in that place.

Sect. 3. Becauſe any kind of perſons are not fit to be of this Society, therefore theſe perſons muſt be Chriſtians, and ſuch as profeſs their Faith in Chriſt, and in Chriſt already exhibited and reigning in Heaven. If they be adult, they muſt not believe, but profeſs in their own perſons. And this profeſſion muſt be ſuch as a rational Chriſtian may judge to be ſerious, as being unable clearly to prove the contrary. The inward Faith ſhould be ſincere, and the outward profeſſion ſhould agree with it, yet it proves often otherwiſe. Therefore we find a *Judas* in the Colledge of Apoſtles, a *Simon Magus*, a *Demas* amongſt Chriſtians: for there hath been and will be tares amongſt the wheat, and chaff on Chriſt's floor, which none can ſeparate but he that hath his Fan in his Hand. And let no man doubt, but that ſuch as Chriſt and his Apoſtles admitted and retained in the viſible Church till they were openly diſcovered, that man might judge of them, ſuch we muſt admit and retain, and may do it.

Sect. 4. 1. As they muſt be Chriſtians, they muſt be a Society of Chriſtians, not ſingle perſons by themſelves. This implies there muſt be a multitude.

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2. An union of this multitude. 3. A communion. Yet as the multitude muſt be Chriſtian, ſo the union and communion muſt be even in holy and ſpiritual things. 1. They they muſt be a multitude, yet not a little number or a few, as will appear afterwards. The power and right of a Colledge may be preſerved in one, and exerciſed in three; and a ſmall number may make a Family-ſociety, yet here in this particular it is not ſo. As there muſt be a multitude; ſo, 2. They muſt be united in a ſacred bond of Chriſtian Religion. For, as in a natural, ſo in a ſpiritual political body, there muſt be not only many members, but they muſt be all united in one to make up the body. This union as the civil, is not meerly from Vicinity of place, but from voluntary and free conſent directed, not only by reaſon, but the rules of God's Word; for that muſt be united not meerly as men, but as Chriſtians. This conſent may be tacit or expreſs, and muſt make them one, not only when they make and aſſemble in one place, but when they are parted aſunder. For by reaſon of this bound, a Fraternity ſpiritual continues amongſt them. And the more ſolemn, ſerious, regular, deliberate and agreeable to the Goſpel it ſhall be, the more effectual, comfortable, and laſting it will prove. This union is not made either by Baptiſm or profeſſion, but it preſuppoſeth both. And though it may be made by a free and voluntary conſent, yet all

Vicinities of Chriſtians, who by Divine Providence have an opportunity to aſſociate, are by a Divine Precept bound to unite and conſent to ſuch an Union. And this Union is ſo firm, not becauſe of Man's Conſent, but God's Precept and Inſtitution, to which it ſhall be conformable. From this a multitude of Chriſtians become morally one Perſon ſpiritual: and as ſuch, may act and do many things. And every particular Member of this Body is bound to ſeek the good of the whole and every part, and the good of this particular Society, more than of any other, though he muſt endeavour the good of all, ſo far as God ſhall enable him. Upon this Union therefore follows a Communion. For as they all partake in all things and priviledges, and rights, which are common to all, ſo they muſt communicate their Gifts, Cares, Labours, for the promoting of the general good of all, and particular good of every one. As by this Union they become one Perſon, ſo they receive a Power and Ability to act as one Perſon for the ſpecial good of themſelves. Yet it doth not give them power to ſeparate either from the Univerſal Church, or from other Communities in any thing God hath made Common, either to the Univerſal Church, or other particular Communities.

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By this time you underſtand that a Community Chriſtian is a ſociety of Chriſtians, yet this is not all: it muſt be a Society of Chriſtians fitted for and immediately capable of an external form of Government Spiritual, and the ſame Independent. For in a Common-wealth of neceſſity there muſt be a Supreme and Independent Power, otherwiſe it hath not the Eſſence and Being of a Common-wealth. Therefore in Politicks both Civil and Eccleſiaſtical, we ſpeak of a Community as it is actually the Subject of a form of Government, or fitted immediately to be ſuch, otherwiſe we ſhall be hæterogeneous, or at leaſt exorbitant. Sect. 5.

Take notice therefore that this Community is not a Civil Society, nor the Society of all Chriſtians living at the ſame time on the Earth, which make up the Body of the Church Univerſal or Viſible, as ſubject to Chriſt, nor of a Family, or Congregational, or any petty Chriſtian Society, but of ſuch a Society Chriſtian as is immediately capable of an Independent Diſcipline.

2. Though ſome Acts of Diſcipline may by a Paternal Spiritual Power be performed, and ſo likewiſe in a Congregation ſome degrees of Power Eccleſiaſtical may reſide and be exerciſed, yet this is not ſufficient to make them ſuch a Society as we ſpeak of.

3. In this Community and Independent Power of Diſcipline is virtually contained.

4. This cannot be except it conſiſt of ſuch Members as are fit both to model a Common-wealth, and manage a ſupreme Power of the Keyes.

5. This Community, before a form of Government be introduced, is but like a homogeneal or ſimilar Body, and then becomes Organical, when it's the actual ſubject of a Common-wealth, and a formal viſible Polity. And beſides the conſent required to the conſtitution of a Community, there muſt be another conſent to make it a Politie: and the latter is diſtinct and really different from the former. For a multitude of Chriſtians as ſuch, are not the immediate matter of a Spiritual Viſible State, but a Community, and a ſufficient Community, as ſuch, is the ſubject of this Political Form.

6. That Company of Chriſtians which is not ſufficiently furniſhed with Men of Gifts and Parts, and yet preſumes to ſet up an Independent Judicature, muſt needs offend. For where God gives not ſufficient Ability, he gives not Authority. That every petty Congregation, which enjoys Word, Sacraments, Miniſtry have an entire, Intenſive, Independent, Judicative Power in it ſelf, and therefore may refuſe to aſſociate with others, is the opi-

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nion of ſome, which can hardly be proved out of the Word of God.

Thus I have explained the Definition, and in the next place proceed to ſhew the Original of this Community, and how particular Perſons become Members of the ſame. Whether any are incorporated by Election or Birth, yet both the Matter and Form of this Society is from God. For we read in the Books of the New Teſtament, that the firſt Original of Societies of Chriſtians was this, Sect. 6.

1. The Apoſtles endued with the Holy Ghoſt from above, preached, That Jeſus of *Nazareth* was crucified at *Jeruſalem* for our Sins, roſe again, was made Lord and King, and that Remiſſion of Sins and Eternal Life was granted to all ſuch as ſhould repent and believe in him. Such as heard the Doctrine, believed it, profeſſed their Faith, and promiſed to live accordingly, were baptized, and ſo admitted as viſible Subjects of Chriſt's Kingdom. So they were made Chriſtians, and remote materials of this Community.

2. When they were once multiplied ſo as to make ſeveral Congregations for Worſhip, and there were found fit Men to be Paſtours, Paſtours were ordained and ſet over the Flocks: and theſe became Societies for Chriſtian Worſhip.

3. When there was a competent num-

ber of ſuch in a Vicinity as were able to manage a Supreme Independent Power, they aſſociated and combined together in one Body for to introduce a form of external Government. If any after, they became a Community or a Politie, were converted within their precincts, and did manifeſt his converſion ſo far as man might judge of it, he was Baptized, and was admitted a Member of their Community. This was the manner of entring into and being incorporated into this Body. And now if any Pagans, Jews, Mahometans, by the Doctrine of the Goſpel be reduced to the Chriſtian Faith, then they muſt enter, in this manner they muſt be admitted. This Aſſociation and Incorporation is not from the Laws, Decrees, and meer conſent of Men, but from the Power or Commandment and Inſtitution of God, who requires that ſuch as are once made Chriſtians, ſhould Aſſociate, and that others in whoſe Power it is, ſhould admit them. Theſe are like Branches ingrafted, not Natural, but are made Members by Election. And whoſoever is thus incorporated, he is firſt made a Member of the Univerſal Church, and a Subject to God the Father, Son, and Holy Ghoſt, before he can be a Member of any particular Society. For he muſt of neceſſity be firſt a Chriſtian before he can be a Member

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of a Chriſtian Society; for the matter is before the form. If his Profeſſion be ſincere, preſently upon his converſion he is made a living member of Chriſt, and an heir of Glory, far greater priviledges, than to be a viſible member of any viſible ſpiritual polity. And though there is a certain priority of Order, yet one and the ſame perſon may be made a living member of Chriſt, a member of a Chriſtian Community, and of a viſible ſpiritual polity at one and the ſame time.

Sect. 7. *A good ground of Childrens right to Baptiſme.*

As there be ingrafted, ſo there be natural branches of theſe Communities, as well as of the great and Univerſal Society, for ſuch there have been, and that by divine Ordination; and never any yet could evidently prove out of Scripture, that this Law and Ordinance, which made the Children part of the Parents, and one Perſon with them in matter of Religion, was abrogated or reverſed to this day. Therefore Children born of Chriſtian Parents, who were Members both of the univerſal and particular Communities, and not disfranchiſed, are members of a Chriſtian Community by birth at leaſt in Charity; and they muſt needs be preſumptuous Dictatours, who exclude them. It's true, that Infants born of men as men, are men; of ſuch as are free, are free; of ſuch as are noble, are noble. And ſo ſuch as are born of Mahometans, are Mahometans; and ſuch as are born of Jews, are Jews; ſuch as are born of Heathens are

by their birth Heathens, and aliens to the Common-wealth of the Chriſtian Iſrael, and ſtrangers from the Covenants of Promiſe, *Eph.* 2. 12. And ſhall not ſuch as are born of Chriſtians be Chriſtians? That Covenant which God made with *Abraham*, though accidentally different, is eſſentially the ſame with that of the Goſpel, as appears, *Rom.* 4. and *Gal.* 3. yet in that Covenant, God promiſed to be a God to him and his ſeed after him, and this part of it which includes the Children with their Parents, muſt needs remain in force, if there be no clauſe of exception in the new Teſtament. If there be, Where is it? As for the example and inſtance from the Apoſtles baptizing only ſuch as profeſſed their Faith. 1. It doth not follow that only ſuch perſons were baptiſed, becauſe that none but ſuch are expreſly named. 2. When its written, that whole Houſes were baptized, no wit of man can prove that none of theſe were Infants. 3. Thoſe expreſly mentioned were adult, *& ſui juris*, ſuch are not Children: and their Baptiſm was but Matter of Fact, not of Law: ſhall the children be firſt ſeminally and virtually in their Parents, then after extraction by Birth part of their Parents, and one perſon with them both by the Laws of God and Men, even ſo far as they may be puniſhed for the ſins of their Parents; and ſhall their Parents be bound for them, and they bound in their parents in matter of

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Religion? And ſhall not Gods promiſe extend ſo far as their Obligation? ſurely it muſt. This manner of Incorporation by birth is from God, who, 1. by his Divine providence brings them forth into the light of the World within the boſom of the Church, ſo that they are born of Chriſtian Parents, who are members of a Community Chriſtian; and 2. From his Inſtitution. For though an Infant ſhould be born of Chriſtian Parents, Members of a Chriſtian Community, yet he could not be a Chriſtian, and have any priviledge ſpiritual, except it had been God's will and pleaſure to account and judge him to be ſuch. For its the Decree, the Promiſe, the Covenant of God that makes him a Chriſtian. For as born of his immediate Parents, or by them of *Adam*, or of them as godly or ungodly, he cannot be a Member of the Church. And to be ſo, is not to have actual Faith, or to be juſtified and ſanctified as believers at age, but to have a right unto the promiſe, which no Heathen or any other born out of the Church can have. And as part of his Parents and included in the Covenant by the will of God, he hath this priviledge. *The Promiſe* (ſaith *Peter*) *is to you and your Children, and to all afar off, even to as many as the Lord our God ſhall call*, Acts 2. 39. where obſerve, that the promiſe was not only to them at age, but alſo to their Children. Again, *You are the Children of the Prophets,*

*Prophets, and of the Covenant, which God made with our fathers, ſaying unto* Abraham, *In thy ſeed ſhall all the Nations of the earth be bleſſed*, Acts 3. 25. Where note: 1. That the Covenant was concerning everlaſting bliſs by Chriſt the ſeed of *Abraham*. 2. That this Covenant includes all Nations, not only *Jews* but *Gentiles*. 3. That this is the Covenant of the Goſpel for ſubſtance. 4. That the preſent *Jews* were within this Covenant by birth, and that both for the obligation to duty, and the right unto the promiſe. For they were the children of the Prophets and of the Covenant, which neither the Heathens, nor their children could be before they were called, and their children in them. From all this it appears, how the Original of theſe Communities are from God; for He 1. makes them Chriſtians. 2. Multiplies them in the ſame Vicinity. 3. Inclines their hearts to aſſociate, and ſtirs up ſome eminent perſons to motion and endeavour the aſſociation. 4. By his Divine providence brings ſome into the world in the boſom of the Church, and includes by his gracious Covenant Infants with their Parents in this ſpiritual Society.

Sect. 8. After the Explication of the Definition, the Declaration of the Original of theſe Societies, it remains we conſider the degrees and diſtinction of the members. For though the Community, in reſpect of a Form of outward Government, be an homogenical

mogenical body, yet considered in it self, and in the qualities of the several members, there is an imparity, and something organical in it. For they are so qualified, and the gifts of God so variously disposed in them, that they are several ways disposed for to contribute according to their several graces, something to the benefit of the whole and one another. This the Apostle makes clear, 1 *Cor.* 12. and 14. Chap. These distinctions and degrees are like those in the members of civil Society. For, 1. Some are *virtualiter & diminute cives*, incompleat members, as women, children, and many weak Christians.

2. Some are so gifted and qualified, as they are fit to act and give suffrage in business which concerns the whole. These are *formaliter cives*, compleat members.

3. Some are endued with more than ordinary knowledge, wisdom, grace above the rest, and most fit to introduce a form of Government, and act in the highest businesses of Administration. These are *eminenter cives*, eminently members. Such as being members of another Church, and yet sojourn or inhabit in a Community distant from their own, before they are incorporate, though upon Certificate and Letters communicatory, they may partake *in sacris*, yet they are but *diminute cives*, members incompleat and for a time. For, as such, they can have no vote or suffrage of any power in things publick. They may

may indeed adviſe and declare their mind, and their counſel may be liked and accepted.

Sect. 9. This Community Eccleſiaſtical hath the ſame inſeparable adjuncts with the civil, except propriety of goods, which they have in another reſpect. For the members have liberty and equality, and an immediate capacity of a form of Government. For, 1. They are free from any ſubjection either to any other Communities, or one unto another, till a form of Government and Diſcipline be ſetled. Yet they are ſubject to Chriſt as the Head of the univerſal Church viſible: ſubject to God as ſupream Lord; ſubject to their Paſtours, if they have any. For they are commanded to obey them, who rule over them, and to ſubmit unto them, *&c. Heb.* 13. 17. For Miniſters are Officers and Repreſentatives of Chriſt, and therefore muſt needs have power *in foro interiori & conſcientiæ*, as the Schoolmen ſpeak. Yet Miniſters, as Miniſters, have no power of the Keys *in foro exteriori*: they are only eminent members of the Community, otherwiſe the Government external of the ſeveral Congregations in one Community ſhould be purely Ariſtocratical in them, and Monarchical in a ſingle Congregation.

2. They are equal as members of a Community in reſpect of Power and Government, which is not yet introduced, or at leaſt conſidered as not actually brought in,

in, they cannot command or judge one another: neither can the whole ſentence any ſingle member. For that were to act as a Common-wealth, which as yet is not.

3. The whole is in an immediate capacity to form a Government, as you heard before. This may be done immediately by the eminent and compleat members, or by a delegation of a power of modelling the Government by a few of the principal, and fit for ſuch a work, and afterwards approved and ratified by all. And though the general Rules of Diſcipline are plainly delivered in the Scriptures; yet few will underſtand them, or apply them right, and it's an hard thing to aboliſh the corruptions of former Governments; ſo that many times a Diſcipline is ſetled and perfected only by degrees and in a long time: Not only the conſtitution, but a reformation of a Church meets with many difficulties. One reaſon is, there is ſo little of Chriſtianity in many, and none in ſome, that yet profeſs their Faith in Chriſt, which either they do not underſtand, or refuſe to practiſe. This hath given occaſion to ſome to gather Churches out of Churches, and to ſeparate. How juſtly or wiſely this hath been done, ſomething may be ſaid hereafter.

*What hinders Reformation.*

CHAP.

# CHAP. IV.

## *Of a Common-wealth in general, and Power Civil.*

Sect. 1. THE ſubject of a Common-wealth being a Community, which is twofold, Civil and Eccleſiaſtical. It remains, and order requireth, that I ſay ſomething of a Common-wealth. You heard before that the ſubject adequate of Politicks, was a State or Common-wealth, and that the parts of this Act are two: 1. The Conſtitution. 2. The Adminiſtration. The Conſtitution, as you may remember, is the firſt part of Politicks, whereby an order of Superiority and Subjection is ſetled in a *Community*; wherein three things were principally to be examined: 1. What a Community in general. 2. What a Community civil. 3. What a Community Eccleſiaſtical is: and all this is done. Therefore to proceed, obſerve, that a Community is like a matter without form in reſpect of ſomething that it muſt receive, yet a matter and a ſubject diſpoſed and *in proxima potentia* to receive a form to perfect it: and this form is that we call a Common-wealth, a Polity, a State, wherein we may obſerve four things. 1. That it is an order. 2. An order of ſuperiority and ſubjection: this is the general nature

*A Community formed is a Common-wealth.*

ture of it. 3. An order of ſuperiority and ſubjection in a Community. 4. Such an order tending to the peace and happineſs of a Community. 1. It's τάξις an Order, or as ſome underſtand the Philoſopher (an Ordination) which is a diſpoſing of things in their proper place. For as the learned Father obſerves, *Ordo eſt parium diſpariumque rerum ſui cuiq; loca tribuens diſpoſitio.* It's *inter plura*, which may be equal or unequal. For there may be an order of Priority and Poſteriority in time or place amongſt equals. Therefore, 2. It's an order of Superiority and Subjection in reſpect of Power. Yet, 3. Becauſe there is a ſuperiority and ſubjection in a Family, a Colledge, a Corporation, therefore it's an order of ſuperiority and ſubjection in a Community, whether civil or Eccleſiaſtical. 4. Becauſe there may be ſuch an order in a Community of wicked men and Devils, if that might be called a Community, where the Aſſociation is unjuſt, as properly it cannot; therefore it muſt be ſuch an order as tends and conduceth directly to the peace and happineſs of the Community. This an unjuſt order cannot do. To underſtand this the better, you muſt know that all Communities ſpiritual and temporal are grounded upon that Commandment of God, *Love thy Neighbour as thy ſelf:* where that word Neighbour may ſignifie indeed a ſingle perſon, yet it includes a notion of ſociety: and the

De C. D. Lib. 19. cap. 13.

*Neighbour a notion of Society.*

the Hebrew word רעה ſignifies *Socius*. This Neighbour therefore is either a ſingle perſon, yet as a Society, or collective as in a Family, Kindred, Congregation, Corporation, Community. This Love is the true cauſe of all aſſociation, and is the ſpecial duty of all parties aſſociated. A Common-wealth is grounded upon a branch of that great Love, the fifth Commandment, which preſuppoſing ſuperiority and ſubjection, in reſpect of power, requires certain duties of the parties ſuperior and ſubject both in a greater and leſſer ſociety. And becauſe theſe duties cannot be performed in great Societies, except this Order be ſetled, therefore by that Commandment all Communities are bound, ſo far as they are able, to erect a form of Government. In which reſpect Politicks are from God, not only allowing and approving them, nor meerly as enabling men, but commanding them enabled to eſtabliſh and preſerve them eſtabliſhed, for the better manifeſtation of his glory and their own greater good temporal and ſpiritual. From hence it's evident, that Politicks both civil and Eccleſiaſtical belong unto Theology, and are but a branch of the ſame.

Sect. 2. In this Common-wealth two things are moſt worthy our conſideration. 1. The Superiority. 2. Subjection: for it conſiſts of two parts,

Which

Which are { *Imperans* / *Subditus* } the { Soveraign / Subject.

And becauſe the Soveraign is { Civil, / Eccleſiaſtical

I will begin with the Civil, and ſo proceed to the Eccleſiaſtical. And ſeeing that *Imperans* the Soveraign, is a concrete, and

therefore ſignifies the { Power, / Subject of this Power.

I will firſt ſpeak of Power, then of the Subject of this Power.

The Power muſt be conſidered what it

is in { General, / Special.

In reſpect of the Subject, I will declare

the manner how it is { acquired, / diſpoſed.

This is the Method which I intend to obſerve, and wherewith I acquaint the Reader. My obſervation of it will make the Diſcourſe more clear and diſtinct. The Readers knowledge of it will help both his underſtanding and his memory.

*Pars imperans*, the Soveraign civil, which is the first part of a Common-wealth, is one invested with Majesty civil. Where observe, 1. That it is a part of a Politie, and that's the general nature of it: and is an essential or integral part, which together with the Subject gives essence to the State, and constitutes it in being and existence. 2. Its the first part: for though as superiority and subjection, and so Soveraign and Subjects are Relates, and in that respect simultaneous; yet the Soveraign is not only the first in dignity, but in some sort by origination, if not as a cause. For as paternity in some respect is before filiation, so it is in this particular. For subjection doth rather follow upon Soveraignty, than the contrary. And therefore in molding a State, they first determine upon a Soveraign, whereupon instantly and at the same time follows without any thing intervening, subjection. 3. This party that is Soveraign is invested with Majesty Civil. Where we have two things. 1. Majesty an adjunct. 2. The subjection invested with it. And as Power is the very essence of a Superiour, so Majesty is of a Soveraign.

Sect. 4. *Majestas est maxima in civitate potestas*; Majesty is the greatest power in a Community. 1. Its *potestas*, Power. 2. *Maxima in civitate*, *Potestas est Jus Imperandi*, Power is a right to govern. It's *Jus* a Right, and

and in it ſelf is always juſt, and is from ſome propriety, and as the abſolute propriety, ſo the abſolute power of all things is from God, and there is no power but derived from him. It's not Phyſical but Moral, and ſo *nomen juris*, and may be conſidered as a faculty or habit, which qualifies the Subject to do ſomething which one that hath no power cannot do. The proper act of it is to Govern, and in Governing to Command, ſo as to bind the party ſubject to obedience, or puniſhment. This *Imperium* or Command is an act of the Will, and preſuppoſeth ſome act of the Underſtanding, and muſt needs be ineffectual, and in vain without a ſufficient coactive force. And becauſe the Underſtanding may be ignorant or erroneous, the Will unjuſt, the coactive force act accordingly: therefore the underſtanding of a Superiour as ſuch, ought to be directed by Wiſdom, his commanding Will by Juſtice, and his Executive force by both. And that act of Power which is not thus directed is not properly an act of Power, nor any ſuch Command of *the Jewiſh Rulers*, when it was devoid both of Wiſdom and Juſtice, and it was ſo much the more invalid, becauſe contrary to an expreſs command of a Superiour Lord and Maſter even Jeſus Chriſt. This Power is an Excellency, and makes the party inveſted with it like unto *God*: and the greater it is, the greater the excellency of him that

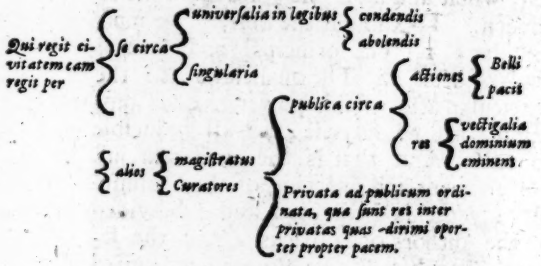
hath it; Though it is in it ſelf good and juſt, as being from God; or rather the power of God in the creature intellectual, yet it may be exerciſed either too little or too much. For one that is inveſted with it may do leſs or more than his power doth warrant him; nay, he may act contrary to the Rules of divine Wiſdom and Juſtice. And ſuch is the imperfection of man, that there is no perfect Government in the world, but that God doth ſupply all defects and aberrations. *For the Judge of all the World will do right*; and in the final Judgment will compleat all Juſtice, and reward every man according to his works, ſo that nothing in any perſon, Man or Angel, but ſhall be judged.

Sect. 5. This is Power in general, and may be diſtinguiſhed many ways, as into the Power of God, or Angels, or of men. Here we ſpeak of the power of men, which is the power of a Father, or a Maſter, or an Officer of peace or war by Sea or Land. Again, it's Civil, Eccleſiaſtical, and both ſupream or ſubordinate. The ſubject now in hand is *Majeſty Civil*, which is the greateſt power in a Civil Community; the power of a Soveraign, whereby he is able to bind the whole *Community* and every Member thereof. It's an act of the publick and univerſal Will, directed by the univerſal Judgment, made effectual by the univerſal and general coactive force: and all this is done according to the Rules

of

of Juſtice and Wiſdom. And that the beſt, wiſeſt and moſt juſt, are moſt fit to govern. To know it the better, we muſt conſider, 1. The principal and ſeveral kinds of acts. 2. The qualities of it: the particular acts of this power in one Community are numberleſs, yet all reducible to one. And that is the wiſe and juſt Government and ordering of the Community: yet this is divided and ſubdivided by the Authors of Politicks. And the ſeveral Branches of this Power, are called *Jura Majeſtatis*, *Prærogativa*, *Regalia*, &c. The diſtinction of theſe Rights, are made according to the ſeveral acts of Majeſty converſant about ſeveral different Objects, and according to the diverſification of the Objects, is the diverſity and difference of theſe Rights. I might here relate both the number and the method of theſe Rights of Majeſty, as delivered by *Angelicus*, *Bodin*, *Clapmarius*, *Grotius*, *Biſoldus*, *Arniſæus*, and others, if it were either needful or uſeful. The *Civilians*, and ſometimes, though ſeldom, the *Caſuiſts* mention them. Yet hardly two of them agree either in the method, or the number, or the particular names of them.

Yet not to neglect them all, attend how handſomly and briefly *Grotius* reduceth them to a certain Order. Sect. 6.




——Yet this is far ſhort of ſome others, and indeed no ways accurate. The *Civilians*, ſome of them reduce them into Order, according to the ſeveral acts of this power, which are

acts of { Grace. Juſtice.

*Biſoidus* doth diſtinguiſh of Majeſty, and informs us,

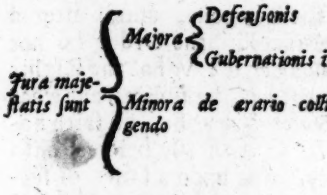
that it's { Real Perſonal.

*Majeſty in the People really*, &c.

Real in the People, perſonally in the Prince; He underſtands by the People the Community: and under God, that is the primary ſubject of it, wherein it virtually reſides, and out of which by the conſtitution

tion it is educed. It hath power to form a State, where there is none, and if after a form once introduced, the Order be not good, they may alter it? What the Rights of perſonal Majeſty is, he tells us; but what thoſe of real Soveraignty be, he ſaith nothing: Majeſty ſo naturally belongs unto the Community, that upon a failer of ſucceſſion, or a diſſolution it divolves to them: and that People is not wiſe, which parts wholly with it, and abſolutely alienates it, as the *Romans* are ſaid *Lege Regiâ* to have done, if neceſſity or ſome very weighty cauſe required it not.

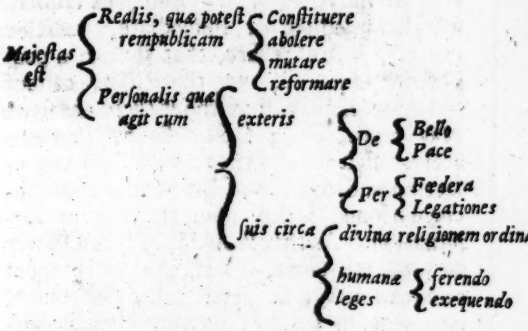
We might in this particular expect much from *Arniſæus*, who hath compoſed a whole Treatiſe of this ſubject, in which he informs, 1. Of the name. 2. Of the nature of Majeſty. For 1. The name may be given to ſuch as have nothing of the thing, and ſo be a meer Title. 2. It may ſignifie Dignity or Honour without any Power. The nature of it conſiſts in Power, which hath ſeveral branches, concerning which he relates the Opinion and Judgment of the *Philoſopher of Hiſtorians*, of the writers of *Politicks*, of Lawyers, and in the end delivers his own mind, and reduced them to certain Heads:- in this manner. Sect. 7.




The first division is taken from the inequality of these Prerogatives and Rights. The second he seems to ground upon these words---That our King may judge us, and go out before us, and fight our Battels, 1 *Sam.* 8. 20. Where to *Judge*, seems to signifie to Govern by Law, and Officers: to *go out* before us and fight our Battels, presupposeth in his Judgment the power of the Militia. To these he adds other two, concerning the ordering of Religion, and Coining of Money. Under these general Heads, he reduceth many other particulars: and so proceeds to handle, 1. the greater, 2. The less Prerogatives severally, and that largely. This, with the salving of some doubts, and confuting some Errours, is the Scheme and substance of the whole Treatise, divided into three several Books.

Sect. 8. Leaving every one to his own method, I will, with submission to better Judgment, make bold to deliver my own.

*Majestas*




This, though not exact, may ſerve the turn, and in ſome meaſure declare the ſeveral branches of this great Power, which in it ſelf is but one, yet hath many acts, and the ſame different, in reſpect of ſeveral and different Objects and Subjects. I only mention the chief Heads, to which the reſt may be reduced, for the better and more diſtinct underſtanding of it: I will more particularly explain my ſelf.

1. Therefore Majeſty is { Reall / Perſonal.

*Real Majeſty greater than Perſonal.*

Real is in the Community, and is greater than Perſonal, which is the power of a Common-wealth already conſtituted. For, as you have heard before, this form of a Common-wealth is virtually in it before it be conſtituted, and their conſent is the very

very foundation of it. And this consent whether mediate or immediate, tacit or expres, is so necessary, that though a people be conquered, yet the Victor cannot govern them as men without their consent: Nay more, when God designed immediately, first *Saul*, then *David*, yet the election and consent of the people did concur with and follow upon the Divine Designation. As this Real Majesty is a Power to model a State, so its always inherent and can never be separated; insomuch, that when a form of Government is dissolved, or there shall be a failer of Succession, the Power of the Soveraign doth divolve unto them by the law of nature, or rather it was always in the people. As this Community hath the power of constitution, so it hath of dissolution, when there shall be a just and necessary cause. Hence appears the mistake of *Junius*, *Brutus*, *Buchanon*, *Heno*, and others: when they say, *Ejus est destituere, Cujus est constituere*, if they meant it of the multitude and body of the Subjects, as Subjects under a form of Government, it can only be true of a Community where they have just and necessary cause. Subjects as Subjects cannot do it, because of their Subjection and Obligation, whereas the Community as a Community is free from any Obligation to any particular Form, either from the Laws of God, Natural or Positive, or from their own Consent or Oaths:

*The mistake of* Junius, Brutus, Buchanon Heno.

Oaths: And though the People in this consideration are bound both by the Natural and Positive Laws of God to constitute a Government, if they can, yet they are not bound to this Form or that. Another Act of this Majesty in the Community is, when they see it necessary and just, and they have not only Power but Opportunity to do it, to alter the Form of the Government: this Act as with us, is above the Power of a Parliament, which may have Personal, yet cannot have this Real Majesty. For a Parliament doth necessarily presuppose a Form of Government already agreed upon, whereby they are made the Subject of Personal Soveraignity. Therefore they cannot alter or take away the cause whereby they have their being, nor can they meddle with the fundamental Laws of the Constitution, which if it once cease, they cease to be a Parliament. If the Government be dissolved, and the Community yet remains united, the People may make use of such an Assembly as a Parliament, to alter the former Government, and constitute a new; but this they cannot do as a Parliament, but considered under another Notion, as an immediate Representative of a Community, not of a Common-wealth. And thus considered, the Assembly may constitute a Government, which as a Parliament cannot do, which always presupposing the Constitution, as such,

*A Parliament cannot alter a form of Government.*

ſuch, can act only in and for the adminiſtration. That Community is wiſe which doth, and happy which can keep their Majeſty ſo due unto them, as to limit their perſonal Soveraigns, ſo as not to ſuffer them to take it from them, and aſſume it to themſelves.

*A happy Community.*

Sect. 9. *Majeſty Perſonal.*

As there is a real, ſo there is a perſonal Majeſty, ſo called, becauſe it's fixed in ſome Perſons who are truſted with the exerciſe of it, and may, and many times do forfeit to God, and in ſome caſes forfeit to the Community or the People; for when it is ſaid it may be forfeited to the People: we muſt underſtand, that the *People* is not *Plebs*, the meaneſt and the loweſt rank, and but a part of the Community, but the whole Community it ſelf as a Community, otherwiſe, we may lay the Foundation of all kinds of Tumults, Confuſions, Seditions, and Rebellions. The Perſon or Perſons truſted with the Majeſty and Power, are bound to ſeek the good of the whole People, and for that end they are truſted with it, and no otherwiſe. Hence the ſaying, *Suprema lex ſalus populi eſto.* The Acts of this Power, which it hath a right to exerciſe, are many, and that in reſpect of thoſe without, or thoſe within the Common-wealth. For *agit cum exteris*, it dealeth and acteth with thoſe without. This is not the firſt, but rather the laſt kind of acting. It ariſeth from the relation which it

*Acts of Perſonal Majeſty. 1. Without.*

it hath to other States, with which it may have ſome ſociety, though it hath no dependance upon it. The Rules of this Acting, as it reſpects themſelves and the States with whom they deal, are the Laws of Nations. Yet the particular Laws of every ſeveral State may determine the Rules, according to which it will act with, or againſt another State. Becauſe one State may wrong, or benefit, or ſtrengthen and help another: hence it comes to paſs that ſometimes there is a cauſe of War. For when by Ambaſſadours or other Agents, the State wronged demands ſatisfaction or Juſtice, and cannot be heard, then there remains no way but to hazard a War, and defer the cauſe to God to decide it by the Iſſue, which he ſhall give. Sometimes a State may be unjuſtly invaded, in which caſe there is no remedy but a defenſive War. 1. To judge and determine of this War, whether offenſive or defenſive, to have the chief Command, to grant Commiſſions, to Preſs Men, provide for Arms and Money; to denounce and proclaim the War by Heralds, belongs unto the Soveraign, who is truſted with this *Militia*, not only againſt foreign States, but againſt Seditious and Rebellious Subjects. 2. After a War begun and continued, a Peace may be concluded, and this is another Act of Majeſty Perſonal. 3. Becauſe one State may ſtrengthen, help, and benefit another, hence Leagues of Peace and

and Amity; and alſo for mutual offence or defence, or for Protection, or for Commerce. Yet none of theſe are valid by the very Law of Nations, but as made, concluded, continued by the ſupream Powers Perſonal. 4. The Soveraigns of ſeveral States cannot in their own Perſons, except very rarely, meet together and act perſonally face to face one with another, neither is it convenient or expedient ſo to do. Therefore a way and means dictated by the light of Nature hath been invented to act by others, who are their Deputies and Repreſentatives, and theſe are called Ambaſſadours. To ſend theſe, whether ordinary or extraordinary, and to give them Power and Commiſſions, with Inſtructions and Letters Credential, that their Acts may be valid, is the right of Majeſty Perſonal. To this Head may be referred the ſending of Heralds and Agents or Envoyes.

Sect. 10. *Within.*

This perſonal Majeſty and Soveraignty acts within the Common-wealth, and with the Subjects as Subjects. With theſe it acts, 1. In matters of Religion. For *Magiſtratus eſt cuſtos utriuſque tabulæ*, where by Magiſtrate, we muſt not underſtand Officers, but ſupream Governours, as the word is taken largely by many Authors, eſpecially ſuch as profeſs Theology. For it is the Duty, as it is the Right of Civil Soveraigns to order matters of Religion, and that in the firſt place, ſo far as it tends

*Soveraigns muſt order Matters of Religion.*

tends unto or concerns the peace and happineſs of a State, which depends much upon the eſtabliſhment, profeſſion and practice thereof. As they muſt order it, ſo they muſt not only conſtantly and ſincerely profeſs, practiſe it themſelves, but as Soveraigns protect and defend their Subjects in the profeſſion and exerciſe of the ſame, ſo far as their coactive-force and Sword may juſtly do it. This ſhould be their firſt and principal Work, which they ſhould do, not onely for the good of the people, but their own happineſs, ſucceſs and eſtabliſhment in the Throne. They are not to aſſociate as Prieſts or *Presbyters*, nor arrogate the power of making Canons, Ordination, Excommunication, Abſolution, and ſuch like Acts, which are purely ſpiritual, yet they may make Civil Laws concerning thoſe things, and execute the ſame, and alſo ratifie by Civil Acts the Eccleſiaſtical Canons; and puniſh ſuch as ſhall violate the ſame. Yet this right doth preſuppoſe the Religion, which they eſtabliſh and maintain to be true and inſtituted from Heaven. It's true, that the conſciences of men are ſubject only unto God, and to him alone are they anſwerable for their ſecret thoughts and opinions, which men can have no certain cogniſance of. Yet if they broach errours in Religion, and blaſphemies, and ſeek by communicating them by word, or writing to ſeduce, pervert, infect others, they diſturb

ſturb the peace of the State, offend God, and bring Gods Judgements from Heaven upon themſelves, who are guilty of ſuch ſins, and upon the Soveraign and the ſubject of that State where they live. And in this caſe, though the conſciences cannot be forced, yet their eſtates, perſons, lives, are liable to the ſword, and, in that reſpect they may and ought to be puniſhed by the ſword of Juſtice. This is ſo a Right of Civil Soveraigns, that we never read of any State of civilized people without Lawes concerning Religion and the worſhip of a Deity. I confeſs, this branch of civil Power is not rightly placed, nor is the method exact, becauſe it comes in under the Heads of Legiſlation and Juriſdiction, the matter of both which are Religion, mens, perſons, eſtates, and lives.

Sect. 11. *Civil matters.*

After matters of Religion, which are more ſpiritual and divine, follow ſuch as are temporal and humane. Concerning theſe we have two acts of Majeſtie. 1. Legiſlation. 2. Execution of Laws made, hence theſe two, *Jura Majeſtatis.* 1. A right to make Laws. 2. A right to execute them. This Power of making Laws is the principal and moſt neceſſary, and doth inſeparably adhere unto the Soveraign once conſtituted. It was *Jethro's counſel to Moſes*, which with Gods approbation, he followed, to teach the people Laws, that all Subjects and Officers might know their

their work and duty, and the Rule which must direct them in all actions of Officers and subjects as such, this was Gods order. For, after that he became their Soveraign, and the people of *Israel* his subjects, he proceeds to make Lawes Moral, Ceremonial, Judicial, yet the personal Soveraign hath no power to make fundamental Laws concerning the constitution, but only for the administration. This our Parliaments, if rightly constituted and duly acting for the publick good, I honour as much as any man, may take notice of. Yet I may not presume to teach them, much less correct them. This Power is given by the consent of the people in the constitution, who upon their submission become their Soveraigns subjects, and are bound thereupon, either to obey his Lawes once made, or suffer. This is not meerly a Power to teach and direct them, but to bind them. To this Head, are brought the Power of repealing, interpreting, altering Lawes, with Dispensations, Reservations, naturalizing, granting Priviledges, conferring Honours, founding Colledges and Corporations, Legitimation, restoring the blood tainted, and all acts of Grace, as giving immunities, exemptions, tolerations, indulgences, acts of oblivion.

After Legislation follows Execution, Sect. 12.

which in this place is not the execution of the Judges Sentence, for that follows as a distinct act of Jurisdiction. This right of Majesty is of far greater latitude, and reacheth all acts that tend to the execution of the Laws, which are in vain, if not put in execution. And because this cannot be done without Officers and Judgment, therefore this comprehends under it

The right of { making Officers. / administration of Justice.

The making of Officers, as without which the Laws cannot be put in execution, is the first of these two. By Officers, I understand all such as are used by the Soveraign, for to put in practice the Law, and perform any publick act. These may be either ordinary or extraordinary, temporary, or standing; for Peace or War, for to deal with forriegn States. Such are all Dictatours, Viceroyes, Regents, Treasurers, Counsellours, Judges, Sheriffs, Constables, Captains and Commanders by sea or land, in time of Peace or Warre. To these may be referred Heralds, Ambassadours, publick Agents, with the rest, which shall be mentioned in the second Book of this Treatise. And because he is no Officer, which hath not some publick power, and this he cannot have of and from himself, therefore

therefore all Officers are made such by the Soveraign; who by granting Commissions, and other wayes derives their power unto them. And as he gives them power, so he may remove them, and revoke their power, or translate them, or call them to account. To chuse, nominate, propose them, may be an act of the people or some of them, yet to constitute them and give them their political being, is an act of Majestie, either mediate or immediate. And because the personal Soveraign and his Officers cannot do their duty and discharge their places without sufficient maintenance, therefore in this respect, there is a right to command the purse. For, as they say, he that bears the sword, must have the purse. And, if there be not a sufficient standing Revenue and Treasury determined in the constitution, the Soveraign must have a power to raise monies to defray the publick necessary charges. Hence, that *Universale & eminens dominium* of Majesty in every State, so much mentioned in the Authors of Politicks. The reason of this is clear in the very light of nature, that the people maintain their Governours, because the benefit of the Government redounds unto them, according to that of the Apostle, *For this cause pay you tribute also, for they are Gods Ministers, attending continually upon this very thing. Render*

*therefore to all their dues, tribute to whom tribute is due, cuſtom to whom cuſtom*, Rom. 13. 6, 7. It's true, that Soveraigns may have their private purſe: therefore ſome diſtinguiſh, *inter ærarium & fiſcum*. *Ærarium* is the publick Treaſury, which is maintained by Tribute, Cuſtom and other Impoſitions: and this is to be raiſed and diſpoſed of by the ſupream for the preſervation of the publick. *Fiſcus*, as ſome tell, is the Soveraigns private purſe, whereof he may diſpoſe at will and pleaſure. This publick propriety preſuppoſeth every mans ſeveral propriety, and no wayes prejudice it. This right is reckoned by ſome amongſt the leſſer Prerogatives, but there can be no *minora Jura Majeſtatis* in proper ſenſe. For, becauſe *Majeſtas* is *Maxima poteſtas*, therefore all the eſſential parts and rights are ſo too.

Sect. 13. The laſt is the Power of Juriſdiction, whereby Juſtice is adminiſtred: and it's over all perſons in all cauſes both Military, Civil, and Eccleſiaſtical, ſo far as they fall under the Soveraigns cogniſance. Under this Head I comprehend, not only the power of thoſe acts of Judgement, more ſtrictly ſo called, as Convention, Diſcuſſion, Deciſion of the cauſe upon evidence of the merit or demerit, but the Execution. To which laſt, may be referred all penalties

nalties as well capital as not capital, with Diſpenſations in Judgement, ſuſpenſion of Execution, pardons. To this of Juriſdiction alſo belongs all reſervations of certain cauſes, the receiving laſt appeals, the final determinations, and irrevocable ſentences. By vertue of this Power, Commiſſions for judicial proceedings, Courts, the order of trial from firſt to laſt, all calling of Aſſemblies general and provincial, Civil and Eccleſiaſtical, are determined. From all this it's evident, that all *Jura Majeſtatis* may be reduced to the Legiſlative, Judicial, and Executive Power, if we underſtand Judicial, and Executive in a larger ſenſe, than they are commonly taken. And here it's to be noted, that Majeſty Real is before and above all Majeſty perſonal. And by perſonal Majeſty or perſonal Soveraign, I do not mean only one ſingle perſon as a Monarch, but all Ariſtocratical and Polyarchical Soveraigns, who are many Phyſically, but conſidered as one perſon morally, as joyntly inveſted with one Power Soveraign.

Thus far concerning the nature of Majeſty, after which follow ſome Epithets given to Majeſty by Authors, to ſignifie the properties thereof. Theſe are either included in the eſſence, or flow from it. For 1. It's abſolute and ſo Arbitrary, Abſolute, *ſoluta legibus*. It cannot be bound

Sect. 14. *Properties of Majeſty.*

by any Lawes, nor judged, becauſe the Soveraign is the Lawgiver himſelf, and the Fountain of Juriſdiction. He may bind himſelf by Oath to govern, and judge according to the Lawes, not to be governed or judged by the Lawes. Yet no Soveraign perſonal is free from the Obligation of the natural and poſitive Lawes of God in force: and how far he is inferiour to the real Soveraign, who is ſubject to the ſame Lawes; I will not here diſcuſs. 2. It's univerſal, not only in reſpect of all acts of Government, but of all perſons within that Territory. For it muſt be coadequate to the whole body, which it muſt act and animate, it's neither greater nor leſs. No perſons, things or actions within, can be exempted from this Power, nor can it extend to any thing, perſon, action without, but *per Accidens*. 3. Its ſupream, not in reſpect of God, nor of the power of other States, but in reſpect of the power of Fathers, Maſters, Officers, Corporations, and Societies within every ſeveral State. For by vertue of Majeſty it is that Soveraigns are equal in reſpect of themſelves, ſuperiours in reſpect of their Subjects; and inferiours unto God, whoſe ſervants and ſubjects they are, truſted with a particle of his power, and accountable unto him. 4. It's Independent (yet not in reſpect of God) upon whom all Soveraigns do not only chiefly but wholly

wholly depend, but in respect of all subordinate Powers within, but condequate to them without. For all power civil within the Territory is derived from Majesty. Fiduciary Princes therefore as such are not Soveraigns, though they may have the title of Soveraignty; yet a Soveraign may be fiduciary for some part of a Country within, and part of the Dominions of another Soveraign. Neither can the chief Magistrate of a Commonwealth, trusted at certain times with the general exercise of the Power be such. Protection and Vassalage are conceived by some not to destroy Independency, neither doth confederation. For though the League between several States, as in *Switzerland*, and the united Netherlands Provinces may be strict, and Commissioners may be made and trusted with great power in things, which concern the several States jointly (such the States-General of the Low-Countries be) yet this is thought to be no diminution of Majesty. For it remains entire in the several Republicks: 5. Its indivisible, for though it hath several branches, which may be distinguished, yet they cannot be separated. For if you take away but one, much more if you take away more, you make it imperfect and essentially defective, and insufficient to Govern. For as in Philosophy, *Essentia est indivisibilis*: so in Politicks, *Majestas est*

*indivisibilis & sic Majestatis Jura sunt inseparabilia.* As these Rights are indivisible in respect of themselves, so they are in respect of the Subject. For divide and separate some of them, even but one from the Soveraign, he is an imperfect Soveraign, take away all he ceaseth to be a Soveraign. Again the Subject of Majesty and of all the rights and parts thereof must be only one, either Physically or Morally: If you divide the Subject, you destroy them. For if in this Commonwealth we give part of these to the King, part to the Peers, part to the Commons, we make it a *Babel*, and destructive of it self. For, suppose the King have the Militia to himself, he may command the Purse, make void the Laws, revoke Judgments, reject Parliaments, and none can hinder him, because neither Peers nor Commons have any right to the Sword whereby to defend themselves. Therefore little heed is to be given to that Book, or bitter Invective entitled, *Elenchus motuum nuperorum*, which informs from the Lawyers, if we may believe him, that these Soveraign Rights were thus divided. 6. From this, that it's Indivisible follows it, that it's incommunicable. For to whomsoever they are communicated, they cease to be Subjects, and the Soveraign to be a compleat Soveraign, and this Communication tends

to

to the diſſolution of the Government. 7. It's perpetual, that is, fixed in a certain ſubject, to continue in the ſame according to the fundamental Laws of Conſtitution. Therefore the Temporary or occaſional power, though very great of a Dictatour, or Regent, or Protectour, who are but truſted with it for a time in extraordinary caſes, and upon occaſion, cannot be Majeſty when there is an *Interregnum*, or ſuſpenſion of the Government, by reaſon of Sedition, Faction, Rebellion, Civil War, or ſome other cauſe, it's good and expedient for the ſafety of a State, to ſet up ſome extraordinary Governour or Governours, truſted for a time with tranſcendent Power, till the State diſturbed and not capable of any Union be ſettled, which done, that Power doth ceaſe, and Majeſty is fixed in his proper, primary, and conſtant ſubject, that the Government may run in the old Channel, except they intend to make an alteration of the Conſtitution.

There is another kind of perſonal Majeſty inferiour to and different from the former. We find it in ſome Princes of *Europe*, as in the Emperour of *Germany*, the Kings of *Denmark*, *Sweden*, *Poland*, and *England*. For our Kings Sect. 15.

Kings had not only the title of Majeſty, but ſome power with the title. For in the intervals of Parliament, he was Soveraign alone, and all and every one, yea the greateſt were his ſubjects. He called and ſummoned Parliaments, made all Officers by ſea and land, ſent and received Ambaſſadours, conferred all Honours, the ſubjects ſware Allegiance to him. His Dignity was eminent, his State great, and ſo many advantages he had, that if he ſhould have uſed them all, he might eaſily have undone his ſubjects, and ſo have undone himſelf. Yet he had not the power of the purſe: He was ſworn to corroborate the juſt Laws and Cuſtoms, which the people had choſen. In the Parliament he made a third party, yet ſo, that neither in acts of Lawes or Judgement, could he do any thing without the Peers and Commons, and *as Sir* Roger Owen *in his Manuſcript obſerves* together with them, he was greater than himſelf. Yet, as Kings have ſometimes curbed Parliaments, ſo Parliaments have Kings,

and

and diſpoſed of the *Militia*, the Navy, the Ports, the chief Offices; Nay, they have ſometimes judged Kings, accuſing them of acting againſt the fundamental Conſtitution, and challenging ſuch Power as tended to the diſſolution of the ſame, and have depoſed them. But of this particular ſomething may be ſaid hereafter; theſe kinds of Soveraigns have ſo much power, whether more or leſs as the Conſtitution gives them, yet it will be a difficult thing to keep them within their bounds.

## CHAP.

## CHAP. V.

### *Of the manner how Civil Power is acquired.*

WHat the Nature of Power in general, and Majesty Civil is, hath been declared. The next thing to be considered, is the Subject, who from it is denominated a Soveraign, and we must enquire first, how this Power is acquired. 2. How disposed in a certain Subject. As for the acquisition it's certain, Man as Man, or as a Member of a Community, cannot have it from himself, but it must be communicated to him from God, who being the Universal Soveraign, is the Fountain and Original of it, and derives some part of it unto Man, and a greater measure unto Mortal Soveraigns than other Men. Yet he doth not this immediately, but mediately for the most part. It's extrinsecal, and comes *aliunde*, not only unto Men but Angels. A Paternal Power, which is more Natural, is acquired by Generation, though sometimes by Adoption. This Generation from divine Benediction is the seminary of all Societies, which as Societies and Communities may be so disposed and compleat, as virtually to contain in them a

Power

Power of a Common-wealth, and by a general conſent conſtitute an actual Soveraign. The Soveraign before he was made ſuch was not inveſted with Majeſty, but it was extrinſecal unto him. And here that diſtinction between the Power it ſelf, the Deſignation of the Perſons Governing, and the Form of Government is worthy taking notice of. The Deſignation of the Perſons, and the Form of Government is from God, leaving Man at Liberty, but not ſo the Power, which is more from him than the other two. Though the parties juſtly poſſeſſed of power may be thought to have the propriety of it, yet they have not any: for let it be never ſo firmly conveyed upon them by deſignation and ſubmiſſion, yet they are but truſted with it. Princes tell us they hold their Crowns and Kingdoms *per Deum & Gladium.* If they mean that they derive their power from God, ſo as that they neither receive, nor hold it from the Biſhops of *Rome,* or the Emperour, or any other Mortals; it may be true; yet they have their power ſo from God, that they are inveſted with it by Humane

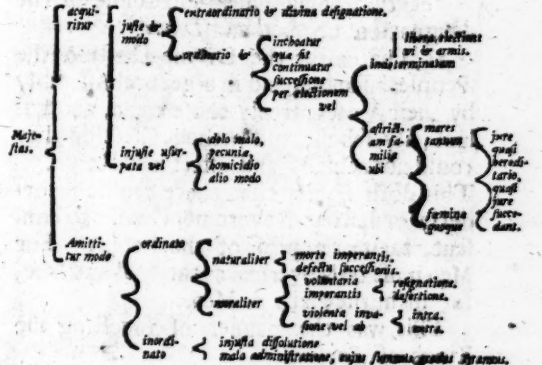
mane Designation. And as for their Sword, it may by a Conquest make way for a Government, but it cannot constitute it. *The fundamental Charter of all Civil Majesty, is the fifth Commandment*, taken in a large sence, and understood by other Scriptures, which speak more expresly and distinctly of Civil Government. In this Commandment including much more by Analogy than is expressed, we may observe, that there is a power of Superiority and Excellency, as in Fathers, so in the Princes and Rulers of the World, and that from God, who made them Men, Fathers, Princes. 2. That all Government should be Paternal. Not that the first-born of the most ancient Family in every Tribe, Kinred, Nation, should be a Soveraign; for that we seldom find, but that they should as Fathers love their Subjects, and seek their Good, and tender them as Fathers do their Children. 3. That by virtue of Gods Command, so soon as they are actually Governours, Honour and Subjection are due unto them. 4. That all Vicinities, as far as they are able, ought first to associate, and then

*Fundamental Charter of Civil Majesty.*

then eſtabliſh an order of Government, and obſerve it, that their days may be long in the Land, wherein God hath placed them, and that it may go well with them.

Sect. 2. *Power how got.*

But to return to the acquiſition of Power, the deſignation of Perſons, as it is from Man, ſo it is from God, who ruleth in the Kingdoms of the World, and ſets up one, and puts down another, ſo that this Power may be communicated from him, and ſo acquired by Man, that it may be taken away, and loſt again. The Method of the Diſcourſe following is this,




1. *Ac-*

1. *Acquiritur juſto modo extraordinario ut divina deſignatione & unctione.*

*Juſtly got extraordinary.*

Power may firſt be acquired, and that ſeveral ways, as juſtly or unjuſtly, in an extraordinary or ordinary manner.

This extraordinary way, and more immediate from God we find in Scripture.

For thus *Moſes*, *Joſhua*, many of the Judges, *Saul*, *David*, *Jeroboam*, *Jehu*, were deſigned to their places of Government

Some of thoſe, as *Saul*, *David*, *Jehu*, were anointed by Gods appointment, and the Scepter entailed upon *David*'s Family in the Kingdom of *Judah*.

Yet two things are remarkable in the deſignation of *Saul* and *David*.

1. That after the Divine Unction the People aſſemble, and in a general Aſſembly by their Votes, freely choſe them, and voluntarily ſubmit, and without Election they could not actually and effectually Reign. This doth ſignify that there can be no orderly or laſting Government without conſent, tacit or expreſs of the People: For Men muſt be Governed as rational and free, for ſuch they are as Men.

This was the manner of inveſting the Kings of *England*.

For

For at the Coronation, amongſt other things, this is done: The King being before them, one doth ask the People, Will you have this Man to be King, or Reign over you? This is more fully expreſſed in the Form of Coronation, which at preſent I have not by me, and doth ſignifie, that they ſhould have the voluntary conſent of the People. 2. That if we may believe *Forteſcue*, the Kings of *England* had not *Regiam poteſtatem, ſed politicam a populo effluxam.* 3. That they did not derive that Power from the firſt Inveſtiture as Hereditary, but in another way. The ſecond thing to be noted is, That thoſe Kings thus deſigned of God, were bound to govern according to the moral, judicial, ceremonial Laws of God. This implies that no Princes ſhould govern by an arbitrary Power, but according to Laws, and them ſo wiſe, ſo juſt, as that they may be truly ſaid, to be rather the Laws of God than of Men.

*How Kings muſt govern.*

*Acquiritur modo ordinario inchoative in conſtituti-one per* —— { *liberam electionem, vim armorum ex cauſa juſta.* } Sect. 3.

God doth ſeldom uſe this extraordinary and more immediate deſignation; for his uſual way is by ordinary providence, and that firſt in the beginning and Conſtitution of a Government, the Foundation whereof may be laid in Peace or War. In Peace, power is acquired by a free electi-

*Ordinarily.*

*By Election.*

on of a Sovereign, and ſingling out ſome perſon or perſons, to whom they will ſubmit themſelves. Sometimes it is determined, that all jointly ſhould be Sovereign, and every ſingle perſon a ſubject. This is the beſt, moſt juſt, and the wiſeſt way, and moſt agreeable to man, as a rational Creature. The parties, whether one or more, before their deſignation had no civil power at all, but upon the deſignation, when they are once agreed upon, declared and ſubmitted unto, they muſt by divine inſtitution of neceſſity have ſo much power as is neceſſary for the Government, and general good of the People. This Power which is now acquired, is *Majeſtas*, and is more from God than Man; becauſe it is a Power to do ſuch things as God commands, or ſuch as are not contrary to his Will. In the firſt modelling of a State, they may either compoſe one of their own invention, or take example from ſome other Commonwealth, and take the whole or ſome part and make it their own. Thus the foundation of the *Roman* State was firſt laid by *Romulus*, who in this work followed the *Greeks* in many things, as *Halicarnaſſæus* tells us, *Antiq. Rom. lib.* 2. In this caſe, whatſoever kind of State is conſtituted, there muſt be ſome inveſted with Majeſty perſonal, which by the free Election, and voluntary Submiſſion of the parties who are free, and have power to make this Election and Submiſſion, it is communicated, and ſo acquired.

*Beſt Government.*

red. But if upon a Victory obtained by a juſt and neceſſary War, a people is reduced under the power of the party conquering, and they upon certain terms ſubmit, the power is acquired by the Sword, and their voluntary Submiſſion, which they would not have made, if they had not been Conquered. And they who formerly were a free people, and would have choſen another, or continued under their own perſonal Sovereign, if before the War they were under a form of Government, do ſubmit, becauſe neither they nor their Sovereign can protect them. And if they be brought ſo low that they muſt either ſubject themſelves or do worſe, or periſh, they willingly come under the protection of the Conqueror, if he be willing to protect them, and take them as his Subjects: Majeſty acquired in this manner for the moſt part, is more deſpotical and abſolute. And that Princes are diveſted of Majeſty and People of Liberty, and fall under the power of Strangers, it's from the juſt Judgment of God, puniſhing them for their Crimes. And this is a moſt common title of moſt Sovereigns in the World. Yet it may be ſaid, that the inward motives of the Conquerors of the Earth are Ambition, or Covetouſneſs, or Cruelty, therefore this kind of Title is not good. The anſwer is, That, in reſpect of any one, or more of all theſe motives it's unjuſt. Yet, if we conſider this Title, as given by God, in making *By Conqueſt.*

them Victorious, and rewarding them for the execution of Juſtice, which they ſeldom think upon, and alſo the conſent of the people and their ſubmiſſion, When they can do no better, it's certainly juſt; What ſtrange Inſtincts from Heaven, what Commands from God, what ſuggeſtions from Angels or God's Meſſengers, or Prophets, Conquerors might have, we know not. *Jehu* was anointed and deſigned by God to cut off *Ahab*'s Family, and had a promiſe afterward. *Judah* alſo and many Nations were perſwaded, and in ſome ſort commanded by the Prophet *Jeremy*, as ſent from God, to ſubmit unto the King of *Babylon*, and come under his protection.

Sect. 5. *Majeſtas continuatur ſucceſſione per electionem* { *liberam & indeterminatam* / *aſtrictam familiæ ubi* { *mares ſolum* { *jure quaſi hæreditario ſuccedant.* / *fœminæ quoque* } }

After a Title is once eſtabliſhed by the Fundamental Charter, and the firſt inveſtiture, care is taken how this Title may be continued, that ſo not only the preſent, but the future Sovereign and ſubject of perſonal Majeſty may be determined, and not only the State, but the Sovereign thereof may become perpetual and immortal. This can no ways be done but by Succeſſion, and this depends upon Election at leaſt of the firſt Conſtitutors of the State, which determines

mines the ſucceſſive Sovereigns to acquire their Title by Election, or Birth, or both. If by Election only, that many times is left free to the Electors, to chuſe out of what Family or Country they pleaſe. Thus the *Roman* and alſo the *German* Emperors and the Kings of *Poland*, acquire and receive their Power. Sometimes the Election is confined to a Family or Line. In this reſpect the Title is ſaid to be Hereditary, which is not to be underſtood, as though the perſonal Sovereigns were abſolute proprietaries of the Crown, or had power of alienation; but becauſe they are like thoſe, who in civil Law are called, *Hæredes ſui*, Heirs natural, by Law and Birth, who ſucceed into, and by Birth acquire the right which their Predeceſſors juſtly had. This Succeſſion is ſometimes tyed to the Males, as in *France*; ſometimes is indifferent to Male or Female Children. Thus it is in *England*, where the Kings and Queens are ſaid to have their Heirs: which, if we may believe the great Lawyer Sir *Edward Coke* upon *Magna Charta*, are nothing but the Succeſſors: For Heirs, ſaith he, are Succeſſors: Yet ſurely he means Succeſſors not only by Election, but Blood. In this kind of Succeſſion, ſometimes the preſent Sovereigns, if they have Children, may determine and declare, which of them ſhall ſucceed them. Thus *David* choſe *Solomon*. Sometimes it's otherwiſe, becauſe by the Conſtitution it's en-

tailed upon the firſt-born or next of Blood. This ſeems to be the ancient right and cuſtom of this Nation. This may be the reaſon, why King *Henry* VIII. though he took upon him much of an abſolute Prince, would not preſume of himſelf to define his Succeſſor, but deſires an act to be made in Parliament for to enable him by Will to diſpoſe of the Crown. Yet ſuch an act could not make void the Election uſed at the Coronation, which hath ſomething of the Conſtitution in it, though it was made a meer formality.

Sect. 5.

*Injuſte uſurpata* { *dolo malo*, *pecunia*, *homicidio*, *alio modo*.

*Uſurpation.*

As Power may be juſtly ſo it may be unjuſtly acquired, and this is uſually called Uſurpation, which is the taking and keeping poſſeſſion of that which is not our own, or which we have no Right unto. It's true, that in Civil Law it's defined to be *præpoſſeſſio juris controverſi*. Yet in this manner of Uſurpation, that Right is ſeldom doubtful, but for the moſt part clear enough. The Power is always good, becauſe from God, and the act thereof, which is Government, is good; yet the manner of acquiring may be bad. And it's obſervable, that many who have ill acquired, have well uſed their Power. It's generally held, That uſurped Right and Power is no Right or Power, becauſe it's not

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in his proper ſubject. Therefore it's conceived, that *Tyrannus in titulo* (ſuch every Uſurper is ſaid to be) cannot command and bind the people, nor do any acts of Government which is valid, and may juſtly be removed before the people acknowledge him, or ſwear fealty to him. And many think it unlawful to ſubmit unto, or act under an uſurped Power. Sometimes it may be ſo, yet there are caſes, when we may, nay we muſt ſubmit and act too. If Chriſtians under the Heathen Emperors had ſtood upon ſuch terms as ſome do in our days, their condition had been far worſe than it was. For, though they liked not Uſurpation, and the curſed means whereby many acquired their power, yet this was their principle; *Non multum intereſt ſub quorum imperio vivit homo cito moriturus, ſi qui imperant ad impia vel iniqua nos non cogant, Auſt. de L. D.* Blood, Bribery, Treaſon, Rebellion, unjuſt Invaſions, they abhorred as abominable, and deteſted them as unfit means to aſcend an Imperial Throne. Yet it was not in their power to diſpoſſeſs them once poſſeſſed, and to eſtabliſh better. They knew God had reſerved this unto himſelf. Neither did they think that by ſubmitting unto their power, though unjuſtly gotten, yet juſtly exerciſed, that they were guilty of their ſinful and unjuſt manner of Uſurpation. Concerning this unjuſt Acquiſition of perſonal Majeſty, many things may be obſerved: 1. There are few titles now,

eſpecially ſuch as are ſucceſſive in a Line, which did not at firſt begin in Uſurpation. 2. That the power it ſelf with the juſt exerciſe thereof, is a different thing from the manner of acquiring it. 3. That one that hath the right in reverſion may unjuſtly prepoſſeſs it: and with us, as the Lawyer tells us, if the Heir apparent by murther or ſome other way remove the preſent juſt Soveraign; yet ſo ſoon as he is poſſeſſed of the Crown, he cannot be queſtioned, and indemnity preſently follows upon the poſſeſſion. *Richard* the Third is called an uſurper, and was ſo at the firſt; yet his Laws and Judgments, and other Acts of Government were, and are judged valid, after the Parliaments received him. *Henry* VII. cannot be acquitted from uſurpation till the Parliament acknowledged him. Neither his Victory nor Marriage with the right Heir could give him a good Title: though this might conduce to his quiet poſſeſſion: He did never ſtand upon that Marriage as the foundation of his right unto the Crown; for he knew well enough, that if that had been his beſt and only Title, that though it might make the Power good unto his Children, yet while ſhe was living he muſt hold the Crown in her Right, not in his own, and if ſhe died before him, it was loſt. 4. Many Princes have invented Oaths for to ſecure not only the form of Government, but the Crown unto their own Poſterity and Family. And here it is to be conſidered,

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whether theſe Oaths do not neceſſarily preſuppoſe an higher Obligation of fidelity, not only unto God, but their own native Country, to which they are bound to be faithful under any form of Government or perſonal Sovereign whatſoever. If their preſent Allegiance cannot ſtand with the univerſal good, it's ſurely unlawful and unjuſt. For the good of the whole is to be preferred before the good of a part: and we are bound to love the whole body of the Community more than any Family, or ſome particular perſons. Again, it may prove ſometimes impoſſible to be actually faithful and perform our Oaths, either to the perſons to whom they are taken, or their heirs and ſucceſſors, and then it will be unreaſonable. 5. We muſt diſtinguiſh between the humane poſitive Laws and Conſtitutions, and the Laws and Rules of divine Providence; for that may be uſurpation in reſpect of the former, which is a juſt poſſeſſion in reſpect of the latter. 6. As for removing an Uſurper, or refuſing to ſubmit unto him, or act under him, we muſt conſider, 1. How far God hath any hand in diſpoſſeſſing one and giving poſſeſſion to another, leaſt we be found to reſiſt God. 2. What means we reſolve upon to remove and reject the Uſurper, and whether the Remedy will not be worſe than the Diſeaſe. 3. What may be the bad and miſerable conſequences of this refuſal of ſubmiſſion and acting: yet ſome

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will ſay, we will live peaceably and not meddle, neither will we own the preſent Power nor act againſt it. But do ſuch think, that any perſon or perſons, who have the Sword in their hands, to which their Lives and Eſtates are ſubject, will ſuffer men within the bowels of the State to be Neuters, and yet give them protection? 7. Such as juſtly acquire their power at the firſt may be the greateſt Uſurpers, becauſe they will challenge more power, than either God will, or man can give: or more than by Conſtitution is due, or the neceſſity of the State and publick good require. 8. God may juſtly give to *Nebuchadnezzar*, *Alexander*, that power, which they did unjuſtly ſeek, and this for reaſons beſt known unto himſelf; as for executing his Judgments upon other Nations for their ſins: when he hath once given, the poſſeſſion continued is lawful. 9. It's an heavy Judgment upon a people, when the title to perſonal Majeſty is doubtful and liable to uſurpation, as it often falls out upon a diſſolution: civil War's a failure of ſucceſſion, which is certain and clear, or in other caſes. And happy is that People, whoſe Nobles ſhall be of themſelves, and their Governours ſhall proceed out of the midſt of them, *Jer.* 30. 21. And alſo when theſe Governours enter quietly, according to the Laws of God and the juſt conſtitution of men.

*Amit-*

*Amittitur modo* { *ordinato* { *naturali* { *morte imperantis,* *defectu successionis,* (*ne* *morali* { *voluntaria* { *resignatio-* *desertione,* *violenta invasione.* Sect. 6.

As Power may be acquired, and one that had it not may have it; so it may be lost, and he that was possessed of it may be dispossessed. For, it's no inseparable adjunct to any person or persons. And it's Gods will it should be so. Therefore Crowns and Sceptres with Imperial Power, cannot be so entailed, or any ways made sure by any constitutions of man as not to be cut off from any Families or Persons. They are like unto Estates, which for want of Heirs, or the extinction of Families, or some other ways may pass to strangers. It may be lost in a way which is orderly and not from any unjust cause. And that first naturally upon the death of the Sovereign or a failure of Succession. For all Sovereigns, especially personal, are mortal, and as they live and reign so they die and lay aside their Majesty, and leave it unto others. This is a common and an usual way. And let no man take up a Crown but with a purpose to lay it down, when it shall please God to require it: only the Crown of Heavenly Glory shall abide upon our heads for ever. Death it self shall never be able to shake it off, it sits too close. Therefore it were wisdom for to aim at an Eternal Kingdom; for that's God's command,

mand, as it is his promise to give it to them that seek it. Ambition is base and far below the excellency of that noble Creature, which was made and redeemed for eternity. Yet there is old catching at these earthly Crowns, which are a bait wherewith the most noble spirits are taken. This was Satan's reserve and last temptation, wherewith he thought to overcome our Saviour. As persons so families may fail, and the supreme Power may return unto a Community, which then hath liberty either to alter the form of Government, or if they retain the former model, to design another Sovereign, and the same eligible either at random with a latitude, or in a certain Family.

This is a natural way of losing this Power, though always directed by a divine special Providence. There is another way,

Sect. 7. and the same moral, and voluntary, as by { Resignation, Desertion.

For in some cases a Sovereign may resign his power to another even in his life-time. Thus *Charles* the fifth, resigned his hereditary Dominions unto *Philip* the first of *Spain*, and others have done the like. Some desert the Charge either to take a better or a greater, as the Duke of *Anjou* deserted *Poland* to succeed his Brother in the Kingdom of *France*, or out of discontent, or upon some other cause. And usually in a vacancy, either upon the Issue failing, or a desertion there

there follows a competition amongſt pretenders. For as they ſay, no man that hath an Eſtate can want Heirs: ſo in this caſe there will be pretenders, and many times Competitors. Thus it fell out in *Portugal* upon the death of *Sebaſtian* and *Henry* the Cardinal his Uncle. For *Anthony*'s Legitimation could do him little good, his Sword was not long enough; the King of *Spain*'s was. Therefore his Title, though not the beſt, was yet the ſtrongeſt and moſt effectual. As this Power may be loſt, or rather voluntarily laid aſide, ſo it may be violently invaded by a juſt War, either of the People defending themſelves, and their Rights unjuſtly denied them or taken from them, which according to the fundamental Conſtitution, they may and ought to maintain even againſt a perſonal Sovereign, though not as their Sovereign, but as one that uſurps greater Power than is due unto him, and doing the People wrong. For ſome tell us, that is no Right which may not be defended. The final iſſue of ſuch a War may be the overthrow of the Sovereign and his Party, and a Depoſing of him, or a rejection, or death, with the Excluſion of his Family. Whether theſe things be done juſtly or no, muſt be known by the Laws of God written or natural, and the Law of the Conſtitution of that State, where any ſuch thing is done. Some of our Barons Wars ſeem to be reducible to this caſe: as likewiſe the late difference between King and

*Subjects may defend their Rights.*

and Parliament, and the civil War following thereupon. Yet even in that difference, if the Lords and Commons have, *partem imperii*, and participate the Power jointly with the King, then they ſeem to have the advantage: becauſe, according to their own profeſſion, the War being undertaken by them in their own juſt and neceſſary defence, and ending in a clear Conqueſt of the King, this not only preſerved their own rights, but if we may believe *Grotius*, and the caſe be as he puts it, or the ſame with his, the King plainly loſt his right. Yet if it was a War between Sovereign and Subject as ſuch, it was a Rebellion on the Subjects part, and ſo the King could loſe no right. But the War was ſaid to be, as ſome expreſs it, between the King and Parliament: Yet the Parliament declared they fought for King and Parliament. And ſo the King as King was not the enemy, yet it fell out that the perſon who was King was Conquered and confined, and in the end put to death. But in theſe difficult points, it's not eaſie either to have true and perfect information, or if we had, to meet with an impartial Judge. Sovereignty may be taken away by a foreign Invaſion, upon a juſt War, whether Defenſive or Offenſive. For, if the unjuſt party be conquered, the right of Sovereignty is loſt, and this is an uſual caſe.

*Amit-*

*Amittitur modo inordinato & ut* { *diſſolutione,* / *mala adminiſtratione.* } Sect. 8.

The diſſolution of a State, muſt needs deſtroy and take away all perſonal Majeſty. And except this diſſolution be from a mutual conſent of all parties, Sovereign and Subject, for to erect a better frame; it muſt needs be inordinate or diſorderly. And if the perſonal Sovereign be the cauſe and begin this diſſolution without juſt reaſon, he muſt needs forfeit. For whoſoever holds any power from the Conſtitution, and yet acts againſt it, he muſt needs loſe. And if he once loſe his power, and through his own default, his Subjects are freed from their Allegiance. This was the reaſon why the Parliament paſſed ſo high a judgment upon the King. "For, upon his withdrawing from Parliament, refuſing to return, and ſetting up his Standard, both the Houſes proceeded jointly together in adjudging it Treaſon againſt the State, or Kingdom, in deſerting his Parliament, betraying his Truſt and People, ſetting up his Standard, and levying War againſt the Parliament and Kingdom; that is, againſt his own Peace, Crown and Dignity. Thus the Author of the rights of the Kingdom. This he takes to be a peremptory ſentence, and that the latter General's Commiſſion for to take the King was a ſtrong *Capias ut legatum.* *What deſtroys Perſonal Majeſty.*

Theſe

Theſe things are out of and beyond my ſphear. Yet it's certain, that ſo far as the Kings proceedings were againſt the Fundamental Conſtitution, ſo far they tended to a diſſolution and a forfeit of the power Regal. And when the Militia and the Array did ſo fearfully claſh and daſh the people in pieces, there was a plain diſſolution of the Government for the preſent. And upon a Victory followed an Act of Alteration, and not only the preſent Sovereign was diſpoſſeſſed, 1. By a Judgment, then by Death, but his Family diſinherited, and continues ſo to this day. Whatſoever Men in this particular have done, yet God hath judged juſtly. And it deeply concerns that Family ſeriouſly to conſider what the guilt is, for which God hath ſo ſeverely puniſhed them. There is another cauſe whereby, and for which Soveraignty is often loſt; and that is *male adminiſtratum*. For as Wiſdom, Juſtice, Judgment, are the eſtabliſhment of the Throne, and that by virtue of Gods inſtitution and promiſe: ſo is negligence, imprudence, injuſtice, oppreſſion, and other ſuch like ſins, a cauſe of dethroning and diveſting the Governours and Princes of the World. For theſe offend God, abuſe the Power wherewith they are but truſted, provoke the people: Therefore God either ſtirs up their own people againſt them, or makes uſe of foreign power to invade them, and delivers them into their hands. The higheſt degree

gree of this ill Adminiſtration is called Tyranny, and ſuch wicked Governours are ſaid to be *Tyranni in exercitio*. For though their Title may be good, yet their power is ſo abuſed, as that they for the moſt part are worſe and more wicked than Uſurpers. Theſe in their adminiſtration violate both the written and natural Laws of God, the Law of Nations, the Law of the Conſtitution of that State where they govern, and the Laws of Juſtice and Equity; the violation of all which tend directly to the ruine of the Common-wealth. *Arniſæus*, who together with *Bodin*, is ſo much for abſolute Princes, doth confeſs that ſuch a Tyrant doth *Excidere jure ſuo etſi hæreditario*. And there is great reaſon for it: becauſe his manner of adminiſtration is againſt the very fundamental Rules, and the very end of all Government. For God never did, Man never can give any power to be unjuſt.

Before I conclude this Chapter, the Reader muſt know, that the ſcheme of Acquiſition and Amiſſion of Power is not exact. For there may be more ways both of acquiring and keeping, as alſo of loſing power: and to this Head may be reduced thoſe *arcana imperii & dominationis*, handled more at large by *Clapmarius* and *Angelius*, whereof ſome are prudential Rules for the acquiſition, and conſervation of the form of Government, and alſo for the continuance of power in the Sect. 9.

hands of the Perſons or Families poſſeſſed of it. Some of them are but Sophiſms of State, uſed too much by many Stateſmen in theſe days, who ſeparate Religion and Policy to their own ruine. For as the learned *Fitz-herbert* hath made it evident, God will never proſper ſuch courſes. Hitherto alſo might be referred the cauſes of corruption, converſion and ſubverſion of States. Whereof ſomething ſhall be ſaid in the Chapter of Diſpoſition.

2. The right may be loſt, and the poſſeſſion continue, or the poſſeſſion may be loſt, and the right may remain for a time.

3. That a bare title is no power. For as the ſword in poſſeſſion without Wiſdom and Juſtice is inſufficient, ſo Wiſdom and Juſtice, with a Title, without the Sword cannot actually govern: becauſe it cannot protect and puniſh.

4. No man can acquire and receive any power except God give it, nor keep it any longer than God is willing to continue it. For he hath reſerved it in his own hands to diſpoſe of it to whom, and how long, and in what meaſure and manner he pleaſeth: yet he ſeldom doth communicate it immediately, or in an extraordinary way. He gives it for the moſt part mediately by man to man. Therefore that *Sovereigns hold their Crowns from God, and that they are ſupream next under God* admits of ſome limitation and explication, otherwiſe it may

may prove an error. For I am ſure few of them receive their Sovereignty immediately from God as *Saul* and *David* did. The immediate foundation of it is ſome humane conſtitution and agreement made, not immediately by God, but Men. This, to ſuch as underſtand the fundamental Laws of States, is clear enough.

5. The greateſt Power of any mortal man is but very little, and he is but truſted with it for a while: and ſuch is his frailty, that he cannot well manage that little which is committed to him. Therefore all defects of humane Government are ſupplied by the univerſal and eternal King, who puniſheth all offences, not puniſhed by man, and rights all wrongs, not righted and rightly judged by the Rulers of the World. And he makes uſe of Angels, Men, Armies, all Creatures to execute his righteous Judgments.

6. Majeſty hangs very looſely upon ſuch as do poſſeſs it, they have no ſtrong hold of it. It's eaſily ſeparable from man, and man from it, and it's more eaſily loſt than acquired, and acquired many times more eaſily than kept. Therefore it is that a Scepter is ſo eaſily turned to a ſpade, and a ſpade unto a Scepter.

7. Here is the proper place to examine, 1. Whether Majeſty can be conferred upon any perſon or perſons upon condition. 2. Whether once conferred and received, it can be forfeited? Not

to be conditionally given and received; not to be liable to forfeiture, are not *Jura Majeſtatis*, as Mr. *Hobbs* improperly calls them; but if they any ways agree to Majeſty (as it will be hard to prove they do) they are rather adjuncts than any thing elſe. For the firſt, Whether they be given upon condition or no, cannot be well determined, except we diſtinguiſh of this Power as given by God, and as given by Man. 2. Between Majeſty real and perſonal. 3. Between perſonal of the firſt, and of the ſecond degree. 4. Between the Sovereign, materially and formally conſidered. 1. God never gave any Power or Majeſty Real or Perſonal but upon condition, 1. That the receiver uſe it well. 2. That he may take it away at will and pleaſure. 2. Real Majeſty cannot by Man be given upon condition to a Community as free, and ſuch in proper ſenſe. 3. A Community may give perſonal Majeſty upon condition: and by the Laws of God cannot give it otherwiſe. And the Condition is, that they uſe it well and for the good of the people, according to the eternal Laws of divine Wiſdom and Juſtice; for that very end for which God ordained all higher Powers and civil Government. And no good Sovereign will deſire it upon any other terms. Hence the Oaths ſolemnly adminiſtred to the Sovereigns of the World; which the people impoſe upon them, not as Subjects, but

but as members of a Free Community, and this impoſing referrs to the firſt Conſtitution and the fundamental Law of Government. This is clear enough in the firſt inſtitution of a King in *England*, as the Myrrour tells us. The Conqueror received the Crown upon the ſame terms. And ſome good Lawyers inform us, that before the King had taken his Oath to the people, he could not require an Oath of Allegiance from them. Therefore Sir *Edward Coke* muſt be warily underſtood, when he makes the Coronation but a formality. For though the ſetting of the Crown upon their Heads, which is but a ſign of Dignity and Honour, be but a Ceremony, yet the matter of his Oath is eſſential to the making of him King; and if that, being the ſubſtance of the fundamental Contract, be not preſuppoſed, as firſt conſented unto, he cannot be a King. *Bracton*, who advanceth our Kings, as high as any antient Lawyer, ſaith, *Ipſe autem Rex non debet eſſe ſub homine, ſed ſub Deo & Lege quia lex facit Regem. Attribuat igitur Rex Legi, quod lex attribuit ei, videlicet dominationem & poteſtatem. Non enim eſt Rex ubi dominatur voluntas, non lex*, l. 1. c. 8. And here he ſeems to underſtand, not only the Law of conſtitution but adminiſtration. That he means the latter is plain, when he ſaith, *Non debet eſſe major eo in Regno ſuo in exhibitione juris.* He formerly aſ- Bracton.

ſerted that *Rex non habet parem in Regno ſuo*, which is true in reſpect of every ſingle perſon, otherwiſe we know the King may be judged. With this agrees that of the Myrrour, That it was the great abuſion of all, to ſay, the King was above the Laws, to which he ought to be ſubject. And we know who makes theſe Laws. *Arniſæus*, who is ſo zealous for abſolute Monarchs, confeſſeth with the Philoſopher, that *ubi leges dominantur*, the King cannot be abſolute. He obſerveth three kinds of Oaths which Princes take: The 1. Is to maintain Religion; The 2. To do their Duty; The 3. Whereby they ſubject themſelves to the Laws. Such are the Oaths to be taken by the Kings of *Poland*, *Swethland*, *Denmark* and *England*, whoſe Coronation-Oath includes all the three. Yet this very man having no better Author than *Holinſhed*, is bold to affirm, that our Kings were abſolute hereditary Monarchs. *Bodin* and *Biſoldus* ſeem to be of the ſame mind. And if they be ſuch, then ſaith *Arniſæus*, they are Kings before they take their Oaths, and hereditary too. But, who told him ſo? How will he prove it? We know for certain it's otherwiſe, and our Antiquaries in Law will ſay that he is very ignorant, and yet very bold, if not an impudent flatterer. That *Bodin* with him and others, ſhould make the King of *France* abſolute, there may be ſome colour, if we look upon their practice,

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ctice, for they act very highly as abſolute Princes. Yet if *Hottoman*, a better Lawyer, and a far greater Antiquary than either *Bodin* or *Arniſæus*, be true, the Kings of *France* are made Kings and receive their Crowns from the firſt inveſtiture, and that upon conditions? Neither is there any Government, which hath a rational and juſt conſtitution, which may be known by ancient Records or unwritten conſtant Cuſtoms, but will manifeſt that the Sovereigns thereof receive their Crowns, and keep them upon certain conditions, different from the written and natural Laws of God. And it's remarkable, that no Conſtitution can be good or allowable, which is not agreeable to thoſe Laws. It's true, that if a people deſign one or more Perſons to be their Sovereign, and promiſe abſolutely to acknowledge them, by that deſignation and promiſe, they are bound to grant him or them all the power whereby he or they may be abſolute Sovereigns: and if they will keep their promiſe, they muſt, not, they cannot put any conditions upon him or them, which may tend to the diminution of the Power already given. And they may give it ſo, as that he may as abſolutely tranſmit it and derive it to his Poſterity. Yet if any ſhall do thus, and ſet up ſuch an abſolute Sovereign; that very Perſon or his Succeſſor may be conſidered materially as ſuch, or ſuch men, or formally as ſuch Sovereigns. Ma-

terially considered, especially as such as not yet invested, they may be bound to such conditions as upon the non-performance of them, they may forfeit. But, consider them as actually and absolutely invested, there can be no such Obligation: neither can any Conditions or Oaths be imposed upon them, except they be willing to accept of them. Yet, if any people constitute such a Soveraignty, it's to be examined how justly and wisely they have done, and whether they have not enslaved both themselves and their posterity, and laid the foundation of their own misery and ruine. And if this Constitution be neither just nor wise, I cannot see how it should bind posterity. And I would gladly know, whether those Authors, who are so zealous for absolute hereditary Powers, can give us an instance of any wise and just people, that at the first constitution did give their free and full consent to such a Government. They never did, nor I think ever can instance in this particular.

Binds not posterity.

Sect. 10. *Majesty when forfeited.*

The second Question is, Whether Majesty acquired can be forfeited? Where you must note, that to forfeit any thing is to lose the right unto it. For, it's one thing to lose the right, another to lose the possession. For as before, one may lose his right and retain the possession, and lose his possession, and yet retain his right. Therefore the Question is not *de possessionis*

*poſſeſſionis ſed de juris amiſſione.* 2. The Queſtion is not, Whether they may forfeit to God, for that they undoubtedly may; but whether they may forfeit unto men. 3. Who thoſe Men are, to whom it may be ſo forfeited, ſo as they may take the forfeit and that juſtly. For ſolution of this Queſtion. 1. This I take as a certain rule, that whatſoever is given and held upon condition, that may be loſt and forfeited. 2. A right once forfeited falls to the party who gave it, and ſet down the conditions. 3. They, who from God give Majeſty to any perſon or family at the firſt, before they had any right unto it, are the people and community to be governed. 4. There is no rational and intelligent people in the World will bind themſelves to ſubjection, but upon condition of a juſt protection. No, a people conquered will not yield to be the ſubjects of the Conqueror, but upon this condition. And, though his Sword may take away their lives, yet it cannot make them his Subjects without their voluntary ſubmiſſion. 5. No wiſe people, if they can do otherwiſe, will ſo ſubmit themſelves as to loſe the propriety of their goods, the liberty of their perſons, the enjoyment of their Religion, or to be governed by an Arbitrary Power without juſt Laws. 6. Princes, Kings and Conquerors, may either by themſelves or their Miniſters

Miniſters of State, inſenſibly encroach and uſurp, yet theſe encroachments and uſurpations, cannot conſtitute a Right contrary to the fundamental Laws. And there can hardly be found any other way, whereby many becom abſolute and arbitrary Lords, but this way. 7. The party to which the forfeiture is made, is not the Subjects, as Subjects, but the people and community who only can inveſt one or more with Majeſty, and conſtitute a Government. Neither can Magiſtrates, as Magiſtrates, nor any Officers, as ſuch, take the forfeiture. Neither can Parliaments, except ſuch as participate in the perſonal Majeſty, do any ſuch thing. Yet, if the Soveraign once forfeit, the Subjects ceaſe to be Subjects. Nor can a great multitude of theſe, if they make not the whole body either actually or mutually, though they ceaſe to be Subjects, challenge the forfeiture. By this you may eaſily underſtand how looſely the Queſtion between *Arniſæus* and his party, and *Buchanan*, *Arthuſius*, *Heno*, *Junius*, *Brutus* and their adherents, is handled. 8. It's certain, that Soveraigns by Law, who have not the Legiſlative power in themſelves ſolely, and are bound by Oath to govern according to Laws, which they themſelves cannot make, may forfeit. 9. Such perſonal Soveraigns, as conſtantly act, not only againſt the Laws of God and nature, but againſt the fundamental

When Subjection ceaſes.

damental Laws, by which they receive and hold their power, may and do forfeit. And this is one reaſon why all Tyrants in exerciſe do *excidere jure ſuo etſi hæreditario*, which *Arniſæus* himſelf affirms. Yet as he wiſely obſerves, it's not ſafe always to take the forfeiture. For it is better by petitions, prayers to God, or patient ſuffering for a while (ſo that they ſuffer not the State in the mean time to come to ruine) to ſeek and expect a redreſs, than ſuddenly to involve the people in blood, and hazard the Common-wealth, and put it in ſuch a condition, as that it ſhall not be able in any due time to ſettle. Yet a real neceſſity of defence doth alter the caſe. Hitherto concerning the manner how Majeſty may be acquired or loſt.

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CHAP.

## CHAP. VI.

### *Of Power Eccleſiaſtical.*

Sect. 1. THE former Rules may eaſily be applied to a particular Church, for it's a Spiritual Commonwealth, and muſt as ſuch, have Governors, and them inveſted with a Supreme Power, yet ſuch and of the ſame nature as the Church is; that is, Spiritual and Eccleſiaſtical. This Power, as all other in Civil States, is derivative from Heaven, and of a very narrow ſcantling. And, that I may be more perſpicuous, and direct the Reader by ſome line or thred of method, I will ſay ſomething of the Power, 1. As it is Spiritual. 2. As Supreme. 3. As diviſible into ſeveral Branches.

Sect. 2. In the firſt place it's Spiritual, and that in many reſpects, as the Authors of *Jus Divinum Eccleſiaſtici Regiminis* have ſufficiently demonſtrated. For the perſons rule, actions and end are to be conſidered, not under a Civil, but a Spiritual notion. As ſtiled by Divines, and that according to the Spirit's language, and the phraſe of Holy Writ, to be *Poteſtas Clavium*. And the acts thereof are opening, ſhutting; or which are the ſame, binding, looſing. Theſe are Metaphorical terms, taken out of the Old into the New Teſtament. For our Saviour did love

love to uſe the Spirit's words. The firſt and chief place where we read theſe words in a Political ſenſe with reference to Government, is that of the Evangelical Prophet. a *And the Key of the Houſe of* David *will I lay upon his ſhoulder, ſo he ſhall open and none ſhall ſhut, and he ſhall ſhut and none ſhall open.* Where by Key is meant *Dominatio*, or *Poteſtas gubernandi*. So *Fererius*, *Schindler*, *Mollerus*, according to the former uſe do underſtand it. For there it's ſaid, *I will commit thy Government into his hand.* a *Iſa.* 22. 2. *Verſ.* 21.

It's not material to enquire, whether the Power or Key of the Houſe of *David* was a Power over the Family, or of the Family over the Kingdom; nor whether *Eliakim* was a Prieſt or a Prince over the Palace or the Temple. It's certain, *David* was a type of Chriſt; his Houſe and Kingdom of the Church, and his Regal Power of Chriſt's Regal Supremacy. b For he hath the Keys of Hell and Death, even that Key of *David* which bindeth the ſoul and conſcience, and diſpoſeth of mans ſpiritual and eternal eſtate, and that by an irrevocable ſentence. This Power ſignified by Key or Keys is not Civil, but that of the Kingdom of Heaven, which he *d* promiſed firſt, and *e* conveyed afterward upon the Apoſtles. As for the acts of theſe Keys being exerciſed, they are ſaid to be ſometimes ſhutting and opening: ſometimes binding and looſing. And though theſe ſeem to differ, yet they are the ſame, and are acts of Government. For פתח to open Sect. 3. b *Rev.* 1. 18. 1 *Cor.* 3. 7. d *Mat.* 16. 29. e *Joh.* 20. 22, 23.

open is to looſe, as *Pſal.* 102. 20. where it's turned by the Seventy two χύω, and not only there, but in other places, which I forbear to mention. And אָסַר to bind, is ſometimes to govern or exerciſe the acts of coercive power. So *Pſal.* 105. 22. to bind his Princes, compared with *Pſal.* 2. 3. where bands and cords are the Laws and Edicts of Chriſt. And the ſame word in the Chaldee, is *obligavit ad obedientiam aut pœnam*, אֲסָרָה *Dan.* 6. 7, 8, 9. is Tranſlated by the Seventy two, ὅρισμα, a Decree, *obligatio*, *interdictum*. It's alſo remarkable, that סָגַר to ſhut up, ſignifieth παραδίδωμι to deliver into the hand of enemies, or to deſtruction, *Job* 16. 11. *Pſal.* 78. 48. Hence that phraſe of delivering up to Satan, 1 *Cor.* 5. 5. 1 *Tim.* 1. 20. and alſo ἀφορίζω to ſeparate or exclude Lepers out of the holy Camp, as *Numb.* 12. 14, 15. and in other places: which was a Typical adumbration of that act of Juriſdiction, which we call Excommunication.

Sect. 4.

This Power of the Keys is ſpiritual, be-

f 1 *Cor.* 5. 12. cauſe exerciſed within a Spiritual Community. *Do* f *not ye judge them that are within*, ſaith the Apoſtle: I have nothing to do to

g *Ibid.* judge them without. *For* g *what have I to do to judge them alſo that are without?* God hath

h *Ibid.* 13. reſerved them to his own Tribunal. *But* h *them that are without God judgeth.* Yet thoſe without the pale of the Church, are not exempted from the Civil Juriſdiction of the Chriſtian Magiſtrate, if within his Territories,

tories. The Power of Hell and Death is not the power of the Sword. The power given to the Church was not given to the State. The power of the Kingdom of Heaven is not the power of the Kingdom of the Earth. The power promiſed unto, and conferred upon the Apoſtles, was not eſtated upon the Civil Magiſtrate, though Chriſtian. This power opens and ſhuts the Gates of Heaven: binds and looſens ſinners as lyable to eternal puniſhments, which no Civil Sword can do. Therefore it's ſpiritual.

As it is Spiritual, ſo it's Supreme: for a particular Church being a Commonwealth or Spiritual ſtate, muſt needs have a Spiritual Tribunal independent within it ſelf: except we will diveſt it of the very Eſſence and ſoul, wherewith it's animated. Yet it cannot be ſuch in reſpect of him, whoſe Throne is Heaven, whoſe Footſtool is the Earth. Or, if by the Divine proſpective of Faith, we pierce into the Heaven of Heavens, and approach that ſparkling Throne, where Chriſt ſits at the right Hand of God poſſeſſed of an univerſal and eternal Kingdom; every particular and all particular Churches muſt bow and wave the title of independent. In a word, in all imperial Rights which God and Chriſt have reſerved, and not derived by the fundamental Charter of the Scripture, all particular Churches, with all their Members, nay, all their Officers, even Miniſters, are but ſubjects governed, in no wiſe Sect. 5.

wiſe governing. Supreme therefore it is, both in reſpect of its own Members within, and alſo of other Churches, enjoying equal power within themſelves: and are not Queens and Mothers, but Siſters in a parity of juriſdiction with it, but no ſuperiority of Command over it. For the parity of them without, is not deſtructive of her Soveraignty over her own within. The univerſal Vicaridge and plenitude of Monarchical power, arrogated by the Patriarch of *Rome*, cannot juſtly depreſs or take away the Rights of any particular Church. This Power was firſt challenged, then uſurped, after that in a great meaſure poſſeſſed, exerciſed and pleaded for. The pretended right and title was invented after they had poſſeſſion, and with a fair colour did for a long time gull the world: which at length awaked out of an univerſal ſlumber, and found it to be a dream.

Sect. 6. As this Power is, 1. Spiritual. 2. Supreme: ſo, 3. It's diviſible, and may be branched into divers particular *jura* or rights: which are four, 1. Of making Canons. 2. Of Conſtituting Officers. 3. Of Juriſdiction; and, 4. Of receiving and diſpenſing of Church-goods. Thus they may be methodized.

*Jus*

*Jus Eccleſiaſticum duplex* { 1. *leges* { *ferendi* / *exequendi* } *per-* { *Rectorum conſtitutionem,* / *juriſdictionis exercitium.* } 2. *bona Eccleſiaſtica diſpenſandi.*

There may be other petty *Jura*, yet eaſily reducible unto theſe. And this diviſion, though grounded evidently upon Scripture, and will by the ingenious be eaſily granted, yet it may ſeem new to ſome, upon whoſe underſtanding the old perhaps hath made too deep an impreſſion. For I find the old diſtinction of this power into two parts. The 1. Of Order. The 2. Of Juriſdiction to be retained by many unto this day. Yet they do not unanimouſly define what this *Clavis* or *poteſtas ordinis* is. Some will have it to be the ſame with *Clavis Scientiæ*, which the Schoolmen underſtood of that juridical knowledge, which was antecedaneous and ſubordinate unto the Decree or definitive ſentence. Others ſay, it is the power of Ordination and making of Miniſters. Others take it to be the power of a Miniſter ordained to preach the Word, and adminiſter the Sacraments. In which reſpect it cannot belong to the external Government of independant Churches. For a Miniſter, as ſuch, is ſo a Deputy of Chriſt, as that in the due execution of his Office he is above any particular Church, and above the Angels. And his power in this regard is rather moral than political. As under this notion,

ſome give him juriſdiction *in foro interiori*, which the Papiſts call *forum pœnitentiale*. But *in foro exteriori* he cannot challenge it as a Miniſter: For then it could not be communicated to any other with him, as to ruling Elders repreſenting the people. This the Biſhops formerly aſſumed to themſelves, with a power to delegate the ſame to others.

Sect. 7. Theſe Keys or Powers in the root, are but one and the ſame power ſupernatural, which is a principle of ſupernatural acts; the firſt branch whereof is the Legiſlative. This ever was, and doth ſtill continue in the Church, and is moſt neceſſary for to regulate, and determine the acts both of Government and ſubjection. For without a certain directive and binding Rule, no State could ever long continue. And God himſelf (whoſe Power is abſolutely ſupreme) did limit himſelf by a certain Law, before he began to require obedience from his Creatures, and exerciſe his power *ad extra*. For it's his will and pleaſure, that neither men nor Angels ſhould be ſubject unto him, but according to a certain Rule. This the Apoſtles, Elders and Brethren put in practice, *Act.* 15. And the *jus Canonicum Novi Teſtamenti* iſſued from this Power. Unto this Head are reduced the forms of Confeſſion for Doctrine, Liturgies for Worſhip, Catechiſms for inſtruction in the Principles of Religion, and Canons for Diſcipline in every well conſtituted Church.

In

In this Legiſlation Eccleſiaſtical, they either do declare what God before hath determined, or determine in things which God hath left indifferent, what is profitable and expedient according to the general Rules of order, decency, unity and edification: according to that diſtinction of Laws into declarative and conſtitutive.

After Laws are made and eſtabliſhed, Sect. 8.
they muſt be put in execution: otherwiſe, though they be both wiſely and juſtly enacted, and in themſelves very excellent, yet they are in vain and to no purpoſe. This cannot be done without Officers: therefore there muſt needs be a power of making Church-Rulers. Under this Head, we muſt comprehend Election, Examination, Ordination, Suſpenſion, Degradation, and whatſoever concerns the making, reforming, or diſpoſing of Offices. When Canons are made, Officers with power of juriſdiction be conſtituted: yet all is to no purpoſe except they proceed to hear, and finally determine all Cauſes and Controverſies within their Spiritual juriſdiction. Therefore there muſt be *Jus juriſdictionis cum ultima provocatione*. Hitherto appertain all Eccleſiaſtical Tribunals, Judges, judicial proceedings, the diſcuſſion of all cauſes within their Cogniſance, ſentences of Authoritative admonition, ſuſpenſion, Excommunication, Abſolution and Execution

of all. Besides all these, because the Church, whilest on Pilgrimage towards her Heavenly City, hath need of these earthly and temporal goods; neither can the publick Worship of God, or her Officers be maintained, nor her poor Saints relieved without them, therefore every particular Church should be furnished with a Revenue, and have a kind of *publicum ærarium* of her own; which is not to be disposed of according to the will and pleasure of any private person or persons. But there must be a power, as to make Officers for other things, so for this particular to receive, keep and dispense the Church's Treasure; this of themselves without publick consent they cannot do. Therefore, though the making of Deacons belong unto the second part of this Independant power, yet *jus dispensandi bona Ecclesiæ publica*, is a distinct power of it self. Christ and his Apostles had a common purse, *Joh.* 13. 29. so had the Church, *Act.* 6. 1, 2, 3, *&c.* For this end they had their Collections at set times, 1 *Cor.* 16. 1, 2. This Treasury belonged to the Church, not to the State, and did arise from the free gifts of such as were of ability, and well disposed, before there was any Tenure in *Franke Almoigne*, as afterwards there was.

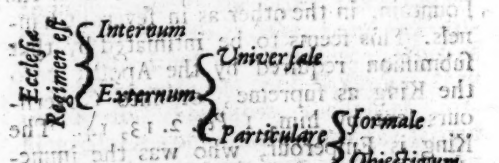
Sect. 9. Before I conclude this Point concerning power (lest instead of a well-composed body, I make an indigested lump of

hete-

heterogeneous ſtuff) I will enquire how far it doth extend, what be the limits wherewith it's bounded, what meaſure and degrees thereof a particular Church, as ſuch, by Scripture-Charter may challenge. For this purpoſe we may take notice of the ſubject of Power, which is primary or ſecondary. In the primary, it's primitive, total, ſupreme: In the ſecondary, it's derivative, partial and ſubordinate. The power in both is the ſame eſſentially; yet in the one as in the Fountain, in the other as in ſeveral Channels. This ſeems to be intimated by that ſubmiſſion required by the Apoſtle unto the King as ſupreme, or unto Governours ſent by him, 1 *Pet.* 2. 13, 14. The King is Emperour, who was the immediate ſubject of Supremacy; Governours were Preſidents, and *Vicarii Magiſtratus*, who are the inſtruments of the ſupreme as principal in government. Coincident with this ſeems to be that diſtinction (ſo frequent with Mr. *Parker*) *inter ſtatum & exercitium*. According to which he defines the government of the Church *quoad ſtatum*, to be Democratical; becauſe the power of the Keys is in the whole Church (which with him is a Congregation) as in the primary ſubject. But *quoad exercitium* to be Ariſtocratical in the Rulers who derive their power from Chriſt by the Church. This ſhall be examined hereafter. This difference

of the primary and ſecondary ſubject is to be obſerved, leſt we make every one who hath power, and is truſted with the exerciſe thereof, the prime and immediate receptacle of Church-power from Chriſt, which is not to be done.

Sect. 10. In the ſecond place we muſt repeat a diſtinction, taken up in the beginning of this Treatiſe, which may briefly be contracted in this manner:




The Internal is Gods. The external Univerſal, as ſuch, Chriſt doth juſtly challenge. The external particular formally and properly Eccleſiaſtical is committed to particular Churches. The external particular materially conſidered, is the Chriſtian Magiſtrate's due: becauſe the matters of the Church in this reſpect are an object of his Civil Power. That diſtinction of *Cameracenſis*, *poteſtas eſt ordinis aut Regiminis*, the ſame with that of *Ariel*, and many other Schoolmen, hath ſome affinity with this. For, the power of

11 Quæſt. inveſperiis Dib. 4. diſt. 8. Quæſt. 2.

of Order with them is the power of a Miniſter, as an Officer under Chriſt of the Univerſal Church, and is exerciſed *in foro pœnitentiali*, or *interiori*. The power of Government and Prelation (which *Defenſor pacis* ſaith, the Biſhops had *per accidens*) is the ſame with this external Government of the Church, as exerciſed *in foro exteriori*, *Mat.* 18. 1 *Cor.* 5. *Rev.* 2. 2. or *judiciali*, as they term it. All the power of a particular Church, is confined to matters Eccleſiaſtical, as ſuch in that particular community, and is exerciſed only *in foro exteriori*. This muſt needs be ſo, becauſe the internal Government of the Church, which by the Word and Spirit immediately rules the conſcience, ſo, as to caſt the impenitent both ſoul and body into Hell, belongs to God as God. The external government of the Univerſal Church as Univerſal, is purely Monarchical under Chriſt; in which reſpect all particular Churches are meerly ſubjects; and no ways independant, no nor governing.

Yet in the third place, if this be not ſo manifeſt and ſatisfactory, the point may be illuſtrated, if we parallel the Government of the Church with that of *Iſrael*. As that was θεοκρατία, ſo it is χριστοκρατία. In the Theocratie of *Iſrael*, God was *pars imperans*, and the abſolute Monarch, and reſerved to himſelf the *jura Majeſtatis*. Sect. 11.

For he made their Laws, appointed their chief Officers, Generals, Judges: he anointed their Kings, proclaimed their Wars, concluded Peace, and received laſt Appeals. Yet in many petty cauſes and matters of State, and that often, he truſted their Elders, Officers and Princes, and committed to them exerciſe of power and actual government. And their Kings were but a kind of *Vicarii Magiſtratus* under him. So Chriſt hath retained to himſelf the government of the univerſal Church as ſuch: as alſo the Legiſlative power of particular Churches in all Eſſentials and Neceſſaries, and hath enacted general Statutes for Accidentals and Circumſtantials. He hath the principal power of making Officers, for he determines how many kinds of neceſſary Officers there ſhould be: limits their power, preſcribes their qualification, ſets down their duty, and gives them their Commiſſion. Their judicial proceedings run in his name, and their ſentence is ſo far valid on earth, as he ſhall ratifie it in Heaven. Yet in making of Canons they have power ſo far, as to declare in Eſſentials, to bind in poſitive Laws and in Circumſtantials. In ordaining of Officers the deſignation of the perſons is theirs. In Juriſdiction, they have power to hear, examine, take witneſſes, apply the controverſie or cauſe to the Canon, determine and ſee the ſentence executed, and all this in a Soveraign and independant man-

manner within the circuit of their own Church. And, whereas it may be ſaid, all this power amounts but to a little, and is confined to a narrow compaſs; It's true, it's but a particle: Yet the Church is more happy, and the Government more excellent, becauſe it depends ſo little on man, ſo much on Chriſt. And this power, though diminutive, yet through God's bleſſing is effectual, and tendeth much unto the preſervation of purity, piety, unity and edification: and if well managed, is an excellent means to enlarge Chriſt's Kingdom, and further our eternal Salvation. The reſult of all is this, that particular Churches are not ſupreme, but ſubordinate, both in reſpect of the internal Government which is purely divine, and alſo in reſpect of the external univerſal, which is purely Monarchical under Chriſt. The Church of *Rome* doting upon her univerſal Head and Vicar-general, preſuppoſed and took for granted, that the community of all Chriſtians in the world were but one viſible Church under, and ſubject unto one and the ſame ſupreme independant Judicatory. This no queſtion is an error. For, though there be an univerſal viſible Church, yet it's ſubject only unto one ſupreme Conſiſtory in Heaven, but not on earth, either in a Monarchical, or Ariſtocratical, or Democratical form, as ſhall be hinted hereafter. And, ſuppoſe the Pope had been an Eccleſiaſtical Monarch, becauſe the Patriarch

triarch of the first See in the Imperial City: yet he could not be universal, but only in respect of the Church within the confines of the Empire, which did enclose all the other Patriarchates, and was but a little parcel of the world.

## CHAP.

## CHAP. VII.

### *Of the manner of acquiring Eccleſiaſtical Power.*

HAving manifeſted, what Eccleſiaſtical Power of Diſcipline is, I muſt ſearch how it's acquired: for this as well as civil is derivative, and that from Heaven, and in a more ſpecial manner. It's not natural but acquired. It's alſo continued by Succeſſion, not Hereditary but Elective, not in a Line, as the Sacerdotal power confined to the Family of *Aaron*. It's firſt in God the Fountain of all power, and from him derived to Chriſt as man and Adminiſtrator general: for, ſo after his reſurrection, he ſaid unto his Diſciples, *All power in heaven and earth is given me*: ſome meaſure of this he by Commiſſion delegates unto the Apoſtles. Yet that power of theirs as extraordinary, was not ſucceſſive, or to be derived to thoſe who followed them as ordinary Officers of the Church; for it expired with them. Yet there was an ordinary power of Diſcipline derived to them, and they never, except in ordinary caſes, did exerciſe, it but with the Church. This, ſome ſay, was acquired, by thoſe words of Chriſt to *Peter*, *To thee will I give the Keys* Sect. 1. Sect. 2.

of

*of the Kingdom of Heaven*, &c. *Mat.* 16. 19. This power was given to *Peter*, many of the Ancients ſay, as repreſenting the Church; others think it was given him as Head of the Church; others as repreſenting the Apoſtles, from whom it was derived to the Biſhops; or elſe, as others tell us, to the Elders of the Church. But of this hereafter: But whatſoever power the Apoſtles might have either ſeverally or jointly conſidered; it's certain, that Chriſt derived it to the Church, whereof the Apoſtles were Members, yet extraordinary Officers. The Church acquired it, therefore by free donation from Chriſt, when he ſaid, *tell the Church*, and afterwards, *whatſoever ye bind on earth ſhall be bound in Heaven*, Mat. 18. 17, 18. By this Church is meant no *Utopian*, aerial or notional body, but ſuch a ſociety of Chriſtians brought under a form of Government, as may and can exerciſe this power, as the Church of *Corinth*, *Epheſus*, *Antioch*, *Jeruſalem*, or any of the Churches of *Aſia*.

Sect. 2. But, though I intend in this to be brief, yet I will obſerve ſome order, and this in particular it is,

Power

Power Eccleſiaſtical is { acquired by { immediate deſignation of { Chriſt, Apoſtles. / loſt by { mediate inſtitution, and that { juſtly, unjuſtly

Seeing none hath this ſpiritual power, except given from God, therefore it muſt needs be acquired as it's derived:

It's derived { immediately to { Chriſt as man, the Apoſtles as his delegates.

Chriſt as man by his humiliation unto death, the death of the Croſs, acquired an univerſal power over all perſons in all cauſes ſpiritual. And he received it upon his Reſurrection, and upon his Aſcenſion, being ſolemnly inveſted and confirmed, began to exerciſe the ſame. The Apoſtles being extraordinary Officers under Chriſt, received their extraordinary power, which was both intenſively and extenſively great, from Chriſt. And, 1. For the loſt ſheep of *Iſrael* before Chriſts death. 2. For all Nations after the Reſurrection. 3. More fully and ſolemnly inveſted after Chriſts Aſcenſion,

Aſcenſion, they began to act: and that both in an ordinary and extraordinary way, and that in Diſcipline, as ſhall appear hereafter. As they were extraordinary, they could not, as ordinary they might have ſucceſſors.

Sect. 3. As the power is derived in an ordinary way, ſo it's acquired by the Church mediately. This Church did firſt conſiſt of the Apoſtles, the ſeventy Diſciples, and other believers of the *Jews*. After that we find ſeveral Churches conſiſting of *Jews* and *Gentiles*. After that a Church, as taken from a Chriſtian Community, is once made up of perſons, a multitude of perſons aſſociated, and endued with a ſufficient ability to manage the power of the Keys, in that viſible body politick, preſently it acquires this power by virtue of Chriſt's Inſtitution in theſe words: *Tell the Church*, &c. as before. For in that very Rule, he gives to direct us how to deal from firſt to laſt with an offending brother, he inſtitutes the external government of the Church, and both erects and alſo eſtabliſheth an independant tribunal. After a Church is once conſtituted, and this power acquired it's exerciſed either by a general Repreſentative, or by Officers: both theſe muſt be inveſted with power before they can act. And theſe acquire their power by delegation, or by being conſtituted Officers. By theſe means the power may be acquired juſtly.

Yet

Yet it may be poſſeſſed or exerciſed unjuſtly. It's uſurped when any arrogate it, or take upon them to exerciſe it without juſt warrant from the Goſpel. Therefore, 1. When a multitude of Chriſtians, who have no ability to manage it, ſhall erect an independant judicatory, they are Uſurpers. 2. When one Church challengeth power over another. 3. When *Presbyters* alone, or Biſhops alone engroſs the whole power Eccleſiaſtical, both of making Canons, and of Juriſdiction and conſtituting Officers. 4. Magiſtrates, who as ſuch, take upon them ſpiritual power. 5. But the greateſt Uſurper is the Pope, who uſurpeth a power both intenſively and extenſively far greater than is due. Sect. 4.

As the Power may be acquired, ſo it may be loſt. For, 1. When a Church is ſo far decayed, as not to be able to exerciſe an independant juriſdiction or order as their aſſociation; ſo their power is ſo much abated. 2. When a Church doth wholly ceaſe to be a Church, then their power is wholly loſt. Yet when it's hindred either by the Magiſtrate, or by ſchiſms and rents in it ſelf, ſo that it cannot exerciſe it, yet it's vertually in them. And many times ſuch is the neglect of Chriſtians, that they will not aſſociate nor reduce themſelves into Order when they might do it; this is a great ſin. 3. When Repreſentatives Sect. 5.

tatives turn into a faction and betray their truſt, they loſe their power as Repreſentatives. 4. All Officers are diveſted when for ſome juſt cauſe, they are depoſed or degraded, but this belongs not to this part.

CHAP.

## CHAP. VIII.

### *Of the diſpoſition of Power Civil, and the ſeveral forms of Government.*

AFter the acquiſition both of Civil and Eccleſiaſtical power, follows the diſpoſition of both, which will take up a great part of this firſt Book. And 1. Of the manner of diſpoſing Civil Power. This Diſpoſition ſeems to be the ſame with acquiſition, becauſe it cannot be acquired but by a certain ſubject, neither can it be ſaid properly to be actually acquired, but at the very ſame time, and by this very Act it's placed in that ſubject. Yet becauſe Power Civil may be ſo communicated and acquired, that it may be diſpoſed of ſeveral ways: and from theſe ſeveral ways of diſpoſing, ariſe ſeveral diſtinctions and differences of Common-Wealths. I thought good to make Diſpoſition a diſtinct thing from Acquiſition, and ſo handle it for the better underſtanding of this particular. I will 1. premiſe ſome general Obſervations. Sect. 1.

2. Briefly declare the ſeveral ways of diſpoſing Majeſty, and the ſeveral forms of Governments.

3. Inquire into the Conſtitution of the Common-Wealth of *England*.

4. Deliver ſome things concerning our condition in theſe late times.

Sect. 2. The Obſervations are theſe: The 1. which belongs unto that of Acquiſition, is, That no power can be fully acquired, till it be accepted of as well as communicated. For, no man can be bound to be a Sovereign againſt his will.

2. That Majeſty is then diſpoſed, when it is placed and ordered in a certain conſtant ſubject, which thereby may be enabled and bound to protect and govern.

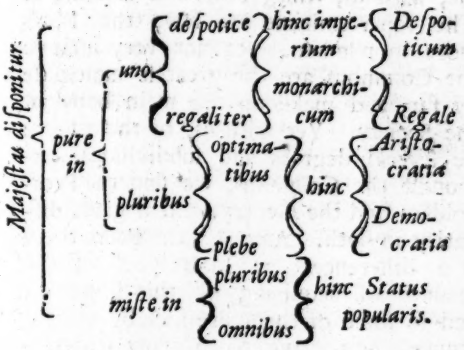
3. That to be diſpoſed in this or that ſubject, in this or that manner, is accidental to Majeſty, though to be diſpoſed is eſſential to a Common-Wealth.

4. From the different ways of diſpoſing this Power ariſe the different kinds (as they call them) of Common-Wealths. For from the placing of it in one or more, ariſe Monarchical, Ariſtocratical and popular States.

5. Majeſty being the ſame in general in all States, it may be diſpoſed ſeveral ways and in ſeveral degrees, in one or more. Hence ariſe the difference of one Monarchy from another: one Ariſtocracy from another: one popular State from another.

6. Though it may be a Queſtion, whether the diſpoſing of Power in one or more can make a ſpecifical difference, yet Monarchy and Polyarchy are taken for different *ſpecies* of Common-Wealths eſſentially different.

*Ma-*




Sect. 3.

The knowledge of this Scheme depends upon the difference and diſtinction of the parts and members of a Community. For beſides thoſe which are but vertually members, there are ſuch as are *ſui juris*, independant upon others: and theſe are divided into three Ranks. As 1. Such as are only free. 2. Such as are of the Nobility. 3. Some that are ſuper-eminent. The two former are called in Latin, *Plebs & optimates*. And amongſt theſe *optimates* there may be very great difference: as we find a *Pompey* or a *Cæſar* amongſt the *Romans*: a Duke of *Briganza* amongſt the *Portugals*, who inherited a vaſt Eſtate in Lands. Theſe

are called the *Tres ordines*, the three States or Ranks of the whole Body of the People, with us, King, Peers and Commons. The super-eminent are few, the Peers more in number, yet not very many: the Commons are the greatest multitude by far, and make up the main body of the Society. Yet with us, of these there be several degrees and subdivisions. Amongst the Commons, we find the Freeholders and the Gentry, and a great disparity in both. Amongst the Peers there is a difference, 1. In respect of the manner of acquiring of this Dignity: and so some of them are such by ancient tenure, amounting to so many Knights-fees: some by Writ, some by Patent. These are called in Latin *Barones Feudatarii, rescriptitii, diplomatici*. There is another distinction with us of Lords; for some are Temporal, some Spiritual. The highest of these amongst us are those of Royal Extraction: In *France* the Princes of the Blood. In some Countries, as in *Denmark*, and some say in *Poland*, there be Peers and Lords, which hold *in Allodio*, and these are independant upon the King in divers respects: such also the Princes of *Germany* be for the most part. And in those States where such are found, the Government usually is Aristocratical. These Kings, Dukes and Monarchs became such at first, either for the antiquity of their Family and their great

greate Eſtates, or for their ſuper-eminent wiſdom and vertue, or for their rare exploits in War or Peace. For ſuch as are Generals and great Commanders in wars, prudent and ſucceſsful, much beloved by Souldiers, may do much; dethrone Princes, ſet up themſelves, and if it will not be fairly given, they will forcibly take the Crown: and ſometimes they may deſerve it, and prove the fitteſt to wear it. Theſe are the three Ranks and Orders of the People.

Theſe being known well, will give ſome light to that which follows, concerning the diſpoſing of Majeſty whether real or perſonal, though all Majeſty actually ruling, muſt be in ſome ſenſe perſonal. Firſt this ſuper-eminent power may be placed Sect. 4.

Purely in { one, more.

In one, and then that the State is called a Monarchy. Yet it may be diſpoſed in more than one, ſeveral ways. 1. More abſolutely. 2. More ſtrictly limitted. An abſolute Monarch, whether Elective or Hereditary is ſuch, as hath a full power over his ſubjects goods and perſons as his own: ſo that the people have neither propriety in their goods, nor liberty of their perſons. They are but his ſervants and little better than ſlaves: ſuch *Pharaoh*'s Subjects, when *Joſeph* had

purchaſed their ſtocks, their Lands, their perſons for the Crown, ſeem to have been. This Government is *abſolutum dominium*, and therefore termed *Deſpoticum & herile Imperium*. And ſuch a Monarch ſeems to be that which by *Ariſtotle* is called Παμβασιλεύς. There be Princes inveſted with Majeſty, who challenge the Legiſlative power unto themſelves, will by a Proclamation or Edict command the goods of their Subjects, and impriſon their perſons at will and pleaſure. Theſe though they be limited by the fundamental Conſtitution, and their Oaths, are in the exerciſe of their power as abſolute as the former. This kind of Government may do well where the Subjects are turbulent, inſolent and unruly, or of a baſe and ſervile ſpirit, or rude and ſavage. But where the people are ingenuous, tractable, and of a better diſpoſition, it's very unreaſonable: for, it will either cauſe Rebellions, and Seditions, or much debaſe their ſpirits. This kind of Monarchy is apt to degenerate into a Tyranny of one perſon. Yet if this kind of Sovereign be wiſe, juſt and vertuous, the people may live happily under his protection. Yet ſuch a power, and ſo unlimited is not fit to be truſted in the hands of every one. And if it be hereditary, woe to the people that live under it.

Yet

Yet this power may be truſted in the hands of one, yet ſo as that it may be allayed, limited, and juſtly and wiſely poiſed, and the Sovereign as a King. The word מֶלֶךְ in Hebrew ſignifies a Governor in general, Βασιλεὺς in Greek is a word of great latitude, and ſo is *Rex* in Latin, and alſo *Sultan*, in the Arabick and Mauritanian Language. Yet ſome are ſuch imperious Dictators and Maſters of words, that the word *King* muſt needs ſignifie an abſolute Monarch. That it often ſignifies a Monarch and one that hath the title of Majeſty, there is no doubt. But the bare word or title not diſtinctly inform us of the power, or the manifold differences of Kings; which muſt be known another way, as by the conſtitution of thoſe particular States, where the chief and moſt eminent Governours have that title. For there is a great difference and that in reſpect of power, between the Kings of *Spain* and *France*, and the Kings of *Poland*, *Swethland* and *Denmark*. Neither doth the King of *England* in this reſpect exactly agree with any of them. But if the word cannot, the definition ſurely of a King ſhould determine his power. Yet neither will the common uſual definition do it. For thus he is commonly defined. *A King is a Monarch, who governeth free men juſtly according to the Laws, to the good of the Common-wealth.* The *Genus* is, that he is *a Monarch.* And if ſuch

*What a King is.*

in strict sence, as such, he can have neither Superiour nor Peer in his Kingdom. The specifical difference is taken from the Subject, the rule, the end of his Government. For his proper act is *Regere* to govern. The subjects of his Government are Freemen. The Rule is just Laws. The end the publick good. Abstract the specifical difference, and lay the word *King* and *Monarch* aside, and it agrees to all Governours Civil whatsoever. For Civil government being grounded upon the eternal moral Law, *Love thy Neighbour as thy self*, and more particularly upon the fifth Commandment, no person or persons invested with Sovereign power can be defined any other way; and neither their power nor the exercise thereof is good, further than it agrees, with this definition. And the more their government swerves from this Rule, the more of the *Tyrant* is in them: and if the violation of it be more than their observation, and that habitually too, then they are really Tyrants, *in exercitio*. For *denominatio fit a parte prædominante*. But I have wondred, why Authors have made this the specifical difference of a King, which certainly it cannot be. Yet this definition leaves many things doubtful. For, it determines not what liberty is, and whether it can be perfect without propriety. Nor doth it tell us, what these Laws are according to which he must govern: whether the Laws of God only, or the Laws also

of

of men: and if of men, whether the Laws of conſtitution or adminiſtration; if of adminiſtration, whether they muſt be made by himſelf alone, or by ſome others without him, or with him. For, if the Laws be made by him alone, he is an abſolute Deſpotical Sovereign; if by others, either with him or without him, he is not ſuch. For there may be a King, at leaſt in name above Law, and a King by Law, and ſuch as cannot command or bind the meaneſt Subject, nor judge him, but according to Law. Such a King is not a pure Monarch, which I now treat of. Therefore a King that is a pure Monarch differs from a Deſpotical Sovereign in reſpect of his Subjects, and the meaſure of his power, and according to this definition in the exerciſe of it. The Subjects of the one are free, and have propriety of perſon and goods, the Subjects of the other have neither. The power of the one is more abſolute, and of larger extent, or rather more intenſive. The exerciſe of the power of the one is bounded by juſt Laws; the power of the other is not limitted or directed by Laws; and ſo tends not ſo much to advance the weal of his Subjects as his own greatneſs; and in this reſpect can be no lawful and good Governour; if he act according to his abſolute and arbitrary power, which God never gave him. And Deſpotical Sovereigns, if wiſe and juſt, will do as *Trajan* did, that is, act according to the

Rule

Rule of Juſtice and of a limitted power, though they be not bound by man to do ſo.

Sect. 6. An abſolute and pure Monarchy is a very dangerous form of Government, and very inclinable and propenſe to Tyranny; and ſuch a Sovereign, as is inveſted with ſuch tranſcendent power, degenerates and turns Tyrant. Experience in all times and places makes this evident, Monarchy indeed in ſome reſpects is the beſt Government. Yet ſuch is the imperfection and corruption of man that it proves not to be ſo. If Monarchs were like God, or Saints and Angels, it might be better. But in a ſucceſſion, whether elective or hereditary, we find in tract of time few good, many bad, and very wicked. In *Iſrael* the firſt King was not right, the fourth too bad; and after the Kingdom was divided into the Tribe of *Iſrael* and *Judah*, in *Judah* we find few like *David*, many verywicked: in the Kingdom of *Iſrael* not one good. Yet the Laws both Civil and Eccleſiaſtical were made to their hands, and that by God himſelf. Sovereign power is a weighty burthen, and requires much ſtrength, and excellent abilities. *Moſes* himſelf cannot bear it alone: he hath need of one hundred and Seventy Elders, and the ſame endued with the ſpirit of government to be his aſſiſtants. If a Sovereign be imprudent, or weak of underſtanding, not able to judge of good counſel, or negligent, or timorous, or

or wilful, or deſtitute of good Agents, and Inſtruments for Adminiſtrations, the Government begins to decline even in moſt peaceable times, and the Subjects become ſuddenly unhappy. But if he be Wicked, Vitious, Inſolent, Impetuous, Cruel, he inſtantly becomes a Tyrant, and then both Church and State begin to ſuffer much: Religion is corrupted or ſuppreſſed and perſecuted, the Wicked are predominant, and the beſt under Hatches. Yea, though the Prince may be of a good Diſpoſition, yet facile and flexible, devoid of Wiſdom and Courage, and alſo deſtitute of good and faithful Counſellors, and beſet with wicked Men, how eaſily is he miſled, involved in many Troubles, and in the end brought to Ruine. Sometimes a few cunning Politicians act him as a child, drive on their own Intereſt, and neglect, yea, pervert the publick Good. How much more if the Monarchs be Children, or Ideots, as ſome be? If in ſuch a model God raiſe up a *David*, a *Solomon*, a *Jehoſaphat*, an *Ezekiah*, a *Joſiah*, the People may be happy, and have great Cauſe to be thankful for ſo great a Bleſſing.

There is another way of diſpoſing Majeſty than the former, and that is, when it's fixed

Purely

Sect. 7. Purely in more than one,

And that is twofold, *in* { *optimatibus*, *plebe.*

When it is disposed in few, and the same more eminent, it's called an Aristocraty, so called from the quality of the persons who govern. For they are *ἄριστοι optimates*, *primores*, *præcipui*, the most eminent in the Community, and above the common Sort or Plebean Rank; for they are not only *formaliter*, but *eminenter civei*, as you heard before. Their eminency ariseth from their noble Extraction, as being descended from noble and ancient Families, or from their great Estates, or from both, or from their excellent Vertues. And such, as in whom all these concurr, are the fittest for Government. Amongst the *Romans* these were called *Patricii*. This Order of Peers, which may be so called, in relation of one unto another amongst themselves, is sometimes confined to certain Families, as they say it is in the *Rhagusian* and *Venetian* States, and with a permission or prohibition to marry in inferior Families, or there may be way made open for the Adoption of other persons for their eminent Vertues, though of meaner Rank. For *virtus vera nobilitas*. Such were the *Patricii minorum Gentium* amongst

mongſt the *Romans*. And though political Vertues, as Wiſdom and Juſtice do beſt qualifie them for the place, yet it's requiſite they have good Eſtates, or ſufficient Allowance, otherwiſe they will oppreſs the people, or be unfit to attend the publick Service. Yet ſuch as are born of noble and ancient Families have ſome advantage, becauſe they many times inherit great Eſtates, are more honoured by the People, have the benefit of the beſt Education, ſometimes participate ſome meaſure of the noble Spirit of their Anceſtors, whoſe rare Examples may do ſomething too. Theſe, though phyſically many, yet morally, are but one perſon collective. They may have a preſident, and ſuch as the Duke of *Venice*: And his Privileges, Honour, State and Dignity may be Paramount, and he may have the precedency, yet no negative Voice nor Power above the reſt. For the Power, and all the particular Rights of Majeſty are in them all jointly: And when they in any buſineſs of State do differ, the major part carries it, and the reſt ſubmit. This may be an excellent Government, when all or the greater and predominant party are Wiſe and Juſt, and follow ſome certain Rules of the Conſtitution, and ſeek the publick good, as all other Sovereigns ſhould do. If there be not care taken in the Succeſſion, that the beſt may ſucceed the beſt, the body will corrupt and degenerate

nerate into an Oligarchy, which is then done, when either they agree to advance their own private Intereſt, to the neglect of the publick; or if they be divided, one party bears down another, and a few prevailing engroſs the Power, and Uſurp far more than is due, and oppreſs the People, and ſo prove a number of Tyrants. When the richeſt engroſs the power to themſelves, it's called a Timocraty. If the Succeſſion into places vacant, either by death, or ſome other way be by Election, an excellent qualification prerequired, ſome ſtrict order for the admiſſion ſhould be obſerved, leaſt unworthy perſons enter by Favour, Money or ſome Indirect way. And in this particular the State of *Venice* ſeems to excel. Neither muſt any of them be ſuffered to ſwell and riſe above the reſt, as many ways they may do; eſpecially if they be Men of excellent parts and ſucceſsful, and be truſted with too great a command in the Adminiſtration. For ſome wiſe Men have obſerved, That the unlimitted Commiſſion granted *Pompey* at the firſt, for the Pyratick War, laid the Foundation of thoſe bloody Civil Wars which followed.

Sect. 8. *Majeſtas pure diſponitur in Plebe.*

This is the laſt and baſeſt kind of the pure Models. For *Plebs* ſignifies the inferior rank of People, which for number far

far exceed the reſt. Among theſe, beſides Artificers, Husband-men, and ſuch as are for Trade and Traffick, there may be ſome Merchants of great Eſtates, ſome of more noble Deſcent and competent Revenue, yet far ſhort of ſuch Eminency as is required in Peers or Princes; which this kind of Government cannot brook. Yet it may be ſo ordered, as that the exerciſe of the Power may be truſted in hands of ſome juſt, wiſe and experienced Perſons, which either muſt govern by courſe, or be removed, leaſt truſted too long, they engroſs the power to themſelves, or to ſome few Families, or to a Faction predominant. For this kind of Government is very ſubject to Faction, Diſorder and Tumults. The name of it is a Democraty; in which there is the greateſt Liberty, not only becauſe they are free from Peers and Princes, but becauſe every one may be a Magiſtrate, and proceed in ſuch a way as opens to that end. Yet becauſe in ſuch a State there be few Men of Learning, Wiſdom, Experience in matters of State, moſt of mean Education, and many ſo taken up with their own private Affairs, it can hardly continue long without ſome Alteration, if not Ruine. It preſently degenerates into an Ochlocraty, and when ſuch, there it cannot ſtay long before it become an Anarchy. It's a Curſe and heavy Judgment of God to live in ſuch a Government, according to that in the

Pro-

Prophet. *And the People ſhall be oppreſſed, every one by another, and every one by his Neighbour: the Child ſhall behave himſelf proudly againſt the ancient, and the baſe againſt the honourable*, Eſa. iij. 5. The Philoſopher reckons up four ſeveral kinds of this Democratical Form: and there may be many more, ſome better, ſome worſe. Of the Tumults and Inteſtine Diſſentions amongſt theſe Plebeans, Hiſtories tell us much. But this is a ſubject which is not very profitable, and I liſt not to enlarge upon it.

Sect. 9. *Majeſtas diſponitur mixte in* { *pluribus*, / *omnibus.*

There is another kind of diſpoſition different from the former, and it's called a mixt Government. The reaſon of the name few know, becauſe they little underſtand the thing. It's not called ſo, as many think, becauſe the *Jura Majeſtatis* are divided and given ſome to the Peers, ſome to the people, and ſome in ſome States to the Prince. For this tends to confuſion, and doth not well ſuit with the Nature of Sovereign Power. Therefore it's the cauſe of many Quarrels and Diſſentions. But it's called mixt, becauſe either three or at leaſt two of the States are mixt together, ſo as that the Sovereignty is jointly in them all, and in the whole

whole; and of theſe there are two Sorts. For ſometime there is no Prince in the Adminiſtration, and then it's in the Commons and the Peers; not in Peers and in Commons ſeverally; but in both jointly. Sometimes it's *in omnibus*, in Prince, Peers, Commons. Yet theſe in the Adminiſtration may have their ſeveral parts and different manners of acting. Therefore we muſt not judge of States according to the manner of Adminiſtration, though the Adminiſtration will give great light and help us to underſtand the Conſtitution. This kind of Government is called *a Free State*, a popular State, a Republick, or the Republick, and may be the beſt State of all others, where *Majeſtas* is *tota in toto*, yet there may be ſeveral kinds of this manner of Government, which by the Philoſopher, as ſome think, is called, πολιτεία κατ' ἐξοχὴν, *The Polity*. *Machiavel* informs us, That Experience of the Inconveniencies of pure States put men on work to find out this, and for the moſt part it may be ſo. If either of the two, or any of the three States be predominant in the Adminiſtration, the State is denominated from the prevailing part. For where the Prince hath the Title of King, and is predominant in the Exerciſe of the Power, it's called a Kingdom, or Monarchy; where the Peers, it's an Ariſtocraty; where the Commons, a Democraty; and yet if it be a right mix-

ture, it can be none of these: And in this particular many are deceived. For where the whole Power is wholly in the whole, there *Populus*, that is, King, Peers and Commons, are the proper subject of Majesty in the Constitution; by and in which, if any be predominant, it cannot be a Free State. Such a Government the *German* Empire and the State of *Venice* seem to be. Yet in this latter, the great Council, which, some tell us, consists of Peers, is counted and judged to have the supream Power. Yet, if we may believe *Machiavel*, the Families out of which they are chosen, were, at the first Constitution, the whole People. The *Lacedæmonian* State is thought by many to be mixt, and some say the mixture was *ex Democratia prædominante & Aristocratia diminuta*, yet this is very improper and cannot be true. The State of *Rome* seems in the time of the Kings to be a Monarchy: After that an Aristocraty in the Senate, and the *Patricii*. But when *Plebs* did *jubere Leges*, then it was a Democraty in the judgment of many. Yet upon diligent search it will be found otherwise. For though the King was the chief Pontiff, and did call the Assemblies, had the chief and sole command in War (for they gave him ἐν πολέμῳ ἡγεμονίαν ἐχεῖν αὐτοκράτορα, yet *Halicarnassæus* lets us know, That this Form was taken from the *Lacedæmonians*, where the Kings had not absolute Power, they

they were not αὐτοκράτορες, but were limitted by their βέλλω, or great Council, and amongſt the *Romans* by their γερουσίαν, that is, their Senate. They muſt not do what they will, but what the Senate did determine. Yet we ſhall often find this mixture very imperfect or very much altered in tract of time from what it was at firſt. To ſay nothing of *Platonick* and *Utopian* Commonwealths, which are not practicable, nor people capable of them, the ſumm of all this Head is this, That God hath given to Men in their ſeveral Communities, a power to protect the Juſt, and puniſh Offenders according to wiſe Laws and juſt Judgment, and alſo a power to preſerve themſelves, and juſtly maintain their own Right againſt all Enemies and Invaders. Yet he hath left them at Liberty to diſpoſe of it ſeveral ways, and truſt it in the hands of one or more, who, if they once take it upon them, muſt exerciſe it and be juſt. For he that ruleth over men muſt be juſt, ruling in the fear of God, 2 *Sam.* xxxiij. 3.

After, 1. The generals premiſed. 2. Sect. 10. The ſeveral ways and manners of diſpoſing Majeſty in a certain ſubject handled, I proceed to ſay ſomething of the Conſtitution of the State of *England*, which hath long been governed by Kings and Parliaments. There was indeed a time, even after the *Saxons* were ſetled in this Nation, when there was no King, but

Forty Lords, who at length choſe a King, which ſhould have no Peer: And there was a time when there were many Kings. And after that we find one King and Parliaments, and this before the Conqueſt. For this model of ours began in the time of the *Saxon* Kings, and was brought to perfection, ſome ſay before; ſome ſay in *Edward* the Confeſſor's time. What the power of theſe Parliaments, and of theſe Kings were, is the great Queſtion. For that once known, the Conſtitution will be evident. There was a Power of Kings, and alſo of Parliaments ſeverally, and a power of them jointly conſidered, we find the real Majeſty in the People, and perſonal Majeſty in King and Parliament jointly; and a ſecondary perſonal Majeſty, ſometimes greater, ſometimes leſs in the Kings, in the intervals of Parliament. But to obſerve a method, and proceed more diſtinctly, I will, 1. Preſuppoſe ſome things. 2. I will ſay ſomething of the Kings. 3. Something of the Parliaments ſeverally. 4. Something of them both jointly. 1. Therefore I will ſuppoſe the Government of *England* to have been by King and Parliament before the Conqueſt, and to have continued ſo till our days: And whoſoever will not grant this, muſt either be very ignorant, or very partial. 2. I will take for granted, That there have been extraordinary caſes, wherein the Rules of the Conſtitution either

either have not, or could not be obſerved. 3. This is alſo true, that ſometimes when they might have been followed, yet either the conſtitution of the Parliament, or the carriage of the Kings was ſuch, as that they have violated the ſame. 4. Wiſe and intelligent men will not deny, but that in our days the Government was ſo altered and corrupted, that the firſt conſtitution was hardly known, and it was a difficult thing either to reform it, or reduce it to the ancient form.

Theſe things ſuppoſed in the ſecond place, I will examine, 1. How the King acquires his power. 2. What his power acquired is. 3. How far it's ſhort of a plenary perſonal Majeſty. 1. The manner of acquiring this Power and Title, is either by deriving it from the firſt inveſtiture, or by inheritance, or election. For the firſt inveſtiture, I find none to inſiſt upon it, though the rule of inveſting, if there be any, ſhould be ſought in the fundamental Charter. If the Crown be hereditary to the Kings, and they have it as their own Fee, they may diſpoſe of it, and of themſelves, appoint their Succeſſor whom they pleaſe; and King *Henry* 8. might without any Act of Parliament, have deſigned by will which of his Children ſhould ſucceed him. And Queen *Elizabeth* might have nominated either the King of *Scots*, or any other beſides him for her Succeſſor. Some may demand, what right ſhe had to nominate, Sect. 11.

or any other after her death to proclaim her Succeſſor. One anſwer to this demand may be, That her wiſe Council did forſee, that this was an effectual, if not the only way to prevent greater miſchiefs and effuſion of blood, which in all probability might have followed, if this courſe had not been taken. And in an extraordinary caſe, ſome extraordinary thing, tending to the publick good, may lawfully be done. Yet this is not to be made an ordinary rule, and followed as an ordinary Example. A third way of acquiſition is by election and conſent of the people. Thus the firſt King, as the *Mirrour* tells us in expreſs words, was elected. So were the *Saxon* Kings till *Edward* the Confeſſor, the laſt King of the *Saxon* Race. So was *William* the ſecond, *Henry* the firſt, *Stephen*, *John*. The manner and form of the Coronation, which contains in a few words much of the Conſtitution, determines the Succeſſion to be by Election. Thoſe words of *Forteſcue* to the Prince, *Non habes poteſtatem regiam, ſed a populo effluxam*, imply ſo much. The Conqueror himſelf, who, as a Baſtard could not inherit the Crown, confeſſeth, that he poſſeſſed not the Crown *Jure hereditario*. To this purpoſe the old book of *Caen* is alledged. Theſe things are above me and out of my element, therefore to be judged of by the learned Antiquaries in Law. But ſuppoſe it be granted to be elective, yet it's elective in a certain line; for

ſuch

ſuch hath been the practice for a long time, which is conceived to be more convenient. Yet the Author of the *due Rights of the Kingdom*, ſaith, *That if a King had ſuch Children ſo qualified, and ſo educated, that they were above others in virtue, wiſdom, and true worth (or at leaſt* cæteris pares) they were the moſt likely Candidates for the Crown.

But let the manner of acquiring this regal Power be either by and from the firſt inveſtiture; or by inheritance, or by election, the ſecond point, and the ſame of more importance is, to know what this power once acquired and poſſeſſed is. For the *Roman* Emperors acquired their power by election, and yet it was abſolute, as is pretended and very great. And here I do not intend to ſay any thing of his excellent Dignity; his Scepter, Sword, Throne, Crown, Robe, Titles, the Honour due unto them; for theſe are not ſo material as the Prerogatives of the King of *England*. Prerogatives, ſaith Sir *Roger Owen*, are the Flowers, which by time immemorial the Commons of this Realm have granted the Kings thereof. If this be true, he hath no Prerogatives, but ſuch as are granted him, and that by the Commons of *England*. But Judge *Crook* is no flatterer, he ſpeaks plainly, and ſaith, he knows no Prerogatives the King hath but this, *that he cannot do wrong*. This may be underſtood either as it Sect. 12.

agrees to all Sovereigns, or as to the Kings of *England* in a more ſpecial manner. It's true, that no Sovereign, though abſolute and Deſpotical can do wrong. For, *Id quiſque poteſt, quod jure poteſt.* The meaning is, they ought not to do wrong; for to do wrong is contrary to the Laws of God, whereby they hold their Crowns; and alſo to the very end, for which God inſtituted civil Government. Yet there is a more ſpecial reaſon why the Kings of *England* can do no wrong, becauſe they are Kings by Law; they cannot bind by their perſonal commands, but by their Regal, which are not Regal, if not Legal. Again, he doth all things like an Infant in his minority by his Miniſters of State, to whom he can grant no Power or Commiſſion to act but according to Law. Therefore if any wrong be done, as much is, it's done by them, and they, not the King, are chargeable with it, and queſtionable for it. Yet he hath power, and great power, and it's not the leſs, but rather the greater and more like unto Gods, becauſe it's limitted by Law. He Summons Parliaments, makes Officers, conferrs Honours, ſends and receives Embaſſadors, and gives them anſwer, makes Leagues with other States, and other things formerly mentioned, when I ſpake of the ſecond king of perſonal Majeſty. Yet, if we may believe *Bracton*, he hath all this from the

Law. For *Lex facit Regem*, and he is but truſted with the exerciſe of it for the protection of the people, and the execution of the Laws: in which reſpect it ſeems to follow, that if the Law be above him, they who make the Laws muſt needs be above him.

But in the third place, though the King hath great power, yet there is ſome power in the Kingdom, which he hath not. For he cannot aboliſh Parliaments, he cannot refuſe to call them, either when the Laws, or the *ardua Regni* require them, he cannot exèrciſe the *Militia* but according to the Laws, neither can he make or repeal Laws without the Parliament; he cannot command the Purſe, he cannot alienate the Crown or the Crown-Revenue, nor diſpoſe of the Crown as his own hereditary Fee; divers other things there are above his power. Yet the Kings of *England* have challenged and exerciſed far greater power, than the Laws and Conſtitution gives them. But that was matter of fact and cannot found a Right. We read that King *Richard* the ſecond was charged, as with other things, ſo with theſe two: 1. That he ſaid the Laws were in his head and his breaſt: that is, he had the Legiſlative power ſolely to himſelf. 2. That he denied to approve the Laws made by the Parliament, that is, he challenged a negative Voice. In both theſe, *Arniſæus* undertakes to maintain his cauſe as juſt, and that he did but challenge his

Sect. 13.

*What the King cannot do.*

his due. Lib, *de authoritate principum in populum ſemper inviolabili*, Cap. 4. Yet all his whole anſwer is but *petitio principii.* For preſuppoſing the King of *England* to be an abſolute Monarch, which we know he is not, he takes upon him to anſwer the whole charge, which he might eaſily do, if he take for granted, that which he can never prove, nor *Engliſh* Men, eſpecially Antiquaries in Law, will never grant him; that he wrote againſt Rebellion and Treaſon, and maintained the juſt and lawful authority of Princes, he did well, but that he ſhould write as a Penſioner to the King, and ſo preſumtuouſly judge of the Conſtitution of a Foreign State, whereof he was ſufficiently ignorant, we *Engliſh* Men cannot well brook. So *Bodin* being informed by *Dellus* (who I think, was Sir *Thomas Dale*, a prudent and experienced Stateſman, and far better acquainted with the Government of his own Country than he was) that the Kings of *England* could not make or repeal a Law without, but only by the Parliament, he wondred, and notwithſtanding his Information, he preſumptuouſly determines the Kings of *England* to be abſolute Monarchs. So much he doated upon his imperfect notion of Majeſty and abſolute Power. Mr. *Cambden*, though a learned Antiquary, yet not in the common Law, ſpeaks doubtfully in this point, and doth not well, though perhaps prudently expreſs himſelf. His words are, *Quod Rex habet*

*habet ſupremam poteſtatem & merum imperium apud nos.* Yet afterwards, ſpeaking of our Courts, he gives to the Parliament the ſupreme and ſacred power, in making, conferring, repealing and interpreting the Laws, and in all other things, which concern the good of the State. If he meant that the King had it jointly with the two Houſes, it's tolerable; yet if ſo, 1. His former expreſſion was not good. 2. Neither is that latter aſſertion of his, when he ſaith, the Parliament is ſummon'd *ad arbitrium Regis*, when the King pleaſeth.

But let's go to the Parliament, where we ſhall find the King again: and when we come there, we muſt conſider, 1. What it is. 2. What power it hath. 3. What power it hath not. 1. To give a perfect definition of it is above my skill, neither is it within the ſphear of my profeſſion: ancient Parliament-men, and eſpecially learned Antiquaries in the common Law know it beſt. Mr. *Cambden* gives a tolerable deſcription of it. *It's a Repreſentative of all* England, *inveſted with the higheſt power of Legiſlation, and all other acts that concern the common good.* This is the ſubſtance of the matter, though not given in his expreſs terms. And here I will not ſay any thing of their Election, Incorporation, manner of proceeding after it's once conſtituted, and begins as a formal Parliament to act. Some have conceived it to be one of the moſt orderly Sect. 14.

*Parliament best Assembly.*

derly Assemblies in the World, which is an argument of the great wisdom of our Ancestors, who first molded it, and brought it to perfection, yet it may be corrupted and ill constituted, and then *Corruptio optimi est pessima.* The Election in our times is not well ordered; for if it were, the very quintessence of the wisdom and virtues of all *England* might be extracted, united, and act in that Convention. But men are ready through want of understanding to undo themselves, by choosing insufficient and unworthy persons. The first constitution certainly required a qualification in the persons to be Elected. For we trust them much, even with our Estates, Liberty, Lives and Religion for the outward profession. It's not fit to trust these in the hands of any sort of Men, but such as shall be wise, faithful, just and sincerely affecting the publick good. The *Saxon* name *Wittena Gemote* implies this; for it signifies the meeting of wise men, and is the abridgement of all the Folk-motes in *England*, and of the wisdom of all *England*: and now of all *England*, *Wales*, *Scotland*, *Ireland*. If they should be wise men, wisdom includes all virtues. If we consider this great body as distinct from the King, it's said to consist of two Houses; which some call the upper and the lower. This the Commons did not like, did not acknowledge. The two Houses,

*Parliament Members qualified.*

*Wittena Gemote.*

or

or the Houſe of Commons, and the Houſe of Peers may be tolerable: and I do not know they ever excepted againſt the expreſſions. Many ungrateful and unworthy perſons, to their own wrong and prejudice, have much depreſſed the Houſe of Commons, and are not aſhamed to ſay, ſuch is their ignorance, that it is but of late ſtanding. Yet it's the chief part, and almoſt the whole Repreſentative: the Peers to them are but inconſiderable. Whatſoever is concluded there doth moſt concern them, and the heavieſt burden lies on them. And though by Commons, ſome may underſtand only the *Plebeian* Rank, yet there we find in that Houſe men of as good Birth, Eſtates, and as eminent vertues, as many of the Lords be. What the Houſe of Commons is may be more eaſily known, but the nature of the Houſe of Lords is ſomewhat hidden. For in it we find Lords Spiritual, as Abbots, Biſhops, and theſe by Tenure; we find in it alſo Lords Temporal, as Dukes, Marqueſſes, Earls, Viſcounts, Barons. And all theſe under the name of Lords, Peers, Barons, though *Barones*, *Proceres*, *Nobiles*, do ſometimes ſignifie other perſons. For we read of the Barons of the Cinque-ports, Barons of the Exchequer, the eight Barons of *Cheſhire*, and the Barons of *Burford* in *Shropſhire*. We find Peers ſometimes taken in another ſence: and to include the Commons. And the truth is,

*What the Houſe of Commons is.*

if

if the whole aſſembly be conſidered as one Repreſentative, they are all Peers, and in all acts ſhould be taken ſo to be. Theſe Peers become ſuch three ways, as I obſerved in my anſwer to Mr. *Hobb*'s. For they are *aut Fœdales*, *aut reſcriptitii*, *aut diplomatici*, Barons by Tenure and ancient preſcription ſince the time of *William* the Elder, or by Writ, or by Patent. It is not for me to debate, much leſs to determine the Controverſies about theſe Lords, as, 1. Whether they be eſſential parts in a diſtinct Houſe from the Commons of the Parliament, or no: ſeeing Acts and Ordinances, and the ſame valid, are ſaid to be made without theſe Lords. not any by the Lords without the Commons. 2. What theſe Lords may do, or for what end they are called. For ſome ſay, they ſit there as Judges of the King together with the Commons. For though the King in his Politick capacity cannot do wrong, yet in his Perſonal he may. This *Horne* and *Bracton*, with other of the old Lawyers, will tell us: in whom we may read of the Torts and wrongs done by the King, and of judging him, as alſo the Queen and the Prince. 3. Seeing by the Writ of Summons they are called to deliberate and conſult, *Conſilium impenſuri*, not *ad faciendum & conſentiendum*, as the Commons are, whether they be there only as the King's Counſellors. 4. Suppoſe them to be the King's

*The End of calling the Houſe of Lords.*

King's Counſellors, whether they be ſuch without or with the Commons. 5. Whether they have any ſhare in the Legiſlative power, or if they have, whether in the ſame Houſe, or in a diſtinct Houſe and Body with a negative to the Commons, or not. 6. When this tranſmitting of Bills to the Houſe of Lords began, which ſome ſay, to be after the Barons Wars. For it was not ſo from the beginning. 7. Whether the Lords and not the Commons have power to adminiſter an Oath. We read in Sir *H. Spelman*'s *Gloſſary*, in the word *Baro*, that no Barons were called to the Parliament, but ſuch as held of the King *in Capite*. 2. That all theſe were not called, but the chief of them, as Earls who poſſeſſed twenty Knights Fees, and Barons which had to the value of thirteen Knights Fees, and a third part of one. 3. That becauſe theſe were too many, ſome of them were call'd to Parliament, ſome omitted: and only ſuch as were called were counted Barons, the reſt not. 4. This being taken ill, the Barons cauſed King *John adigere*, to covenant under the Broad Seal, to ſummon ſeverally by ſo many Writs, the Arch-Biſhops, Abbots, Earls, and the greater Barons of the Kingdom. 5. Yet *Henry* the Third ſo little regarded that compact, that he called and kept a Parliament, with an hundred and twenty Spiritual, and only twenty five Temporal Lords, though he had numbred two hundred and fifty

*What Barons called to Parliament.*

fifty Baronies in *England*. 6. *Edward* the First omitted divers of those, whom *Henry* the Third had summoned. So that it will be a very difficult thing to rectifie or reduce unto the first institution this House, as distinct from that of the Commons. For it should be known, 1. What kind of persons must constitute this other House. 2. What their Priviledges be. 3. What they must do, which the House of Commons may not, must not do.

Sect. 15. *Power of Parliament without the King.*

By all this, something of the nature of the Parliament may be known. But then what is the power of this assembly, either severally considered without the King, or jointly with the King? And that they may make Orders and Ordinances *pro tempore* will be granted, and also, which is far more, if the King have no Negative voice, the Legislative and Judicial power is in them, and their ultimate Resolves and Dictates in all matters of Counsel must stand. And if so, then reason will conclude; that if the King refuse to be personally or virtually present, and to act with them, they may do any thing for the good of the Kingdom without him, which they may do jointly with him. Yet because Laws and Judgment are ineffectual without execution, therefore the King, being trusted with the execution, was required to give his consent, that he might take care of the Execution. For to that end was he trusted with the Sword

*Why Kings Consent required.*

of

of Juſtice and War, that he might protect the people, and ſee that Laws and Judgments be executed. If we conſider the Parliament as conſiſting of King, Peers and Commons jointly, it is the firſt ſubject of Perſonal Majeſty, and to it, and it alone belongs all the *Jura Majeſtatis perſonalis.* They have the power Legiſlative, Judicial, Executive, to exerciſe it in the higheſt degree; and may perform all acts of adminiſtration as diſtinct from the Conſtitution. They are the higheſt aſſembly for Legiſlation, the higheſt Counſel for advice, the higheſt Court for Judicature.

*First ſubject of Perſonal Majeſty.*

This is the power of the Parliament, which can do many and great things, yet ſome things they cannot do: for they are limitted not only by the Laws of God, but alſo by the Laws of the Conſtitution. Sir *Roger Owen* tells, That the Parliament cannot do all things. For, 1. Many Acts are Voted for errors in matter of fact, and for contrariety in words, and ſometimes they have idle and flattering proviſo's. 2. A Parliament hath not power to ordain that a Law ſhall not be abrogated for the ſpace of twenty years, for a latter Parliament may repeal their Acts. 3. That a Parliament cannot Enact, that, if there were no Heir to the Crown, that the people ſhould not be able to chuſe a new King. 4. It cannot change the form of our Policy from a Monarchy to a Democraty.

Sect. 16.

*What the Parliament cannot do.*

mocraty. 5. It cannot take away divers Prerogatives annexed to the Crown of *England*, or that the King should not be able to dissolve the Parliament at will and pleasure; yet in another place he tells us, that he cannot dissolve the Parliament at will and pleasure; and again, he is not above the Parliament, because he cannot be above himself; and in Parliament he is *Maxime Rex*. He further informs us, that the common Law is the King's Inheritance, and how the Parliament may wither away the Flowers of the Crown. The true reason, why the Parliament cannot do some of these things, nor others not mentioned by him, is, because they have not real but personal Majesty. They cannot alter the Government, nor take away divers things belonging to the Crown, because they did not give the Prerogatives of the Crown at the first; the Commons of the Realm gave them, as he confesseth. The form of Government was first constituted by the Community of *England*, not by the Parliament. For the Community and people of *England* gave both King and Parliament their being: and if they meddle with the Constitution to alter it, they destroy themselves, because they destroy that whereby they subsist. The Community indeed may give a Parliament this power, to take away the former Constitution, and to frame and model another, but then they cannot do this as a Parliament, but as trusted by the people for such

*Who gave Crown Prerogatives, and Parliament-being.*

ſuch a buſineſs and work: nay, they may appoint another aſſembly of fewer or more to do ſuch a work without them. They may ſet up a *Conſilium ſapientum*, which may determine what matters are fit to be propoſed to the Parliament, and in what order, and alſo contrive a *Junto* for all buſineſſes, which require expedition and ſecrecy, which may act without them: whether the Parliament it ſelf can do ſuch things or no, may juſtly be doubted? What may be done in extraordinary caſes is one thing, what may be done in an ordinary way another. When he ſaith, that the Parliament cannot change the form of Policy from a Monarchy, he preſuppoſeth our State of *England* to be a Monarchy, yet if he diſtinguiſh not between the Conſtitution and the adminiſtration, he may be guilty of an error. For it's not a Monarchy, but only in reſpect of the Executive part in the Intervals of Parliaments. Our Anceſtors abhorred abſolute and arbitrary Monarchs: therefore before they did eſtabliſh a King, they made a bridle to keep him in, and put it upon him. This is plain from *Bracton*, *Forteſcue*, the Coronation Oath, and the *Mirror*.

From all this we may conjecture what the Conſtitution of *England* was. It was no abſolute Monarchy, that's plain enough. Neither was it a State of pure diſpoſition but mixt. Neither were the *Jura Majeſtatis* divided, ſome to the King, ſome to

*Sect.* 17. *Kings of England no abſolute Monarchs.*

the Lords, some to the Commons, it was of a far better mould. The personal Majesty primary was in King, Peers and Commons jointly: in the whole assembly as one body. this may appear several ways. as 1. From this, that it was a Representative of the whole Nation, and as it was a general Representative of all *England* and no ways else, was it invested with this personal Sovereignty. It must represent the whole Community, all the Members thereof, of what rank or condition soever, not only the Laity but the Clergy too: these are words used in our Laws, and good enough, though disliked by many. The Clergy and Ministry of *England* were never represented by the Knights of the Counties before our times: neither could the Parliament, without the personal presence of some of themselves impose Subsidies, much less Ecclesiastical Canons upon them. They are as free English men as any other, and by the Laws of the Land have their privileges and immunities distinct from those of other mens, which are now taken from them: and it's an hard case that they may have none of their own faculty and capacity, as their proper Representatives to maintain them and speak reason for them. They are willing enough to part with any thing formerly they had, if not agreeable to Scripture. 2. To prove this mixture, the King's Coronation Oath might be alledged: for he

swears

ſwears to corroborate the juſt Laws and Cuſtoms, *quas vulgus elegerit*, where two words require ſome explication. 1. *Vulgus.* 2. *Corroborare.* That we may know what they mean. *Vulgus* ſome think doth ſignifie the Commons, and then the Lords, as of a diſtinct Houſe, can have no ſhare in the Legiſlation, except as ſome tell us they were repreſented by the Knights of the Counties, whom with the reſt of the Free-Holders they did anciently elect, and contribute to their Charges whilſt they ſat in Parliament. *Vulgus* in Latin is the ſame that *Folk* in *Saxon*, and now remains in Engliſh; from whence *Folk-mote* the City or Shire-meeting, as the Parliament is the great meeting of all the Counties in *England*. In this place it muſt be the Repreſentative of the whole Community of *England* in one body, all the members of the *Wittena Gemote*, as united, and diſtinct from the King. The word *Corroborare* doth not ſignifie to give the eſſence to the Law, as though it were not a Law before, or not a Cuſtom; but it ſignifies to guard, keep, defend, obſerve the juſt Laws and Cuſtoms in the adminiſtration, and to ſee them executed according to judgment. It may be the ſame with κυρόω in Greek; which doth not give the being to a Will and Teſtament, for it muſt be a Will before it be confirmed and ſo made effectual; Confirmation is extrinſecal and accidental, not

eſſential to the Will or Teſtament. The reaſon why the Kings did ſwear to corroborate the juſt Laws and Cuſtoms made, approved, choſen by the people, was becauſe that upon the diſſolution of the Parliament, the ſword remained in his hands for to ſee the Laws executed, which were ineffectual, would lie dead, be in vain without execution. Theſe words explained, the matter to be obſerved is, that if by Laws and Cuſtoms we underſtand the rules of adminiſtration, not only as including a binding force, but alſo as to be made effectual, then it follows by the tenour of that Oath, that the Legiſlative power, which is the foundation and rule of all acts of adminiſtration, was in King, Peers and Commons jointly: this is a mixture, and a free State. 3. This mixture will farther appear from the manner of enacting for that was the manner in our days. *Be it therefore enacted by the King's moſt excellent Majeſty, by and with the aſſent and conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament Aſſembled, and by authority of the ſame.* Neither is this new; for the ſubſtance of it is ancient, as Sir *Edward Coke* doth manifeſt in the cauſe of the Prince, as Duke of *Cornwall*. The Collection of the Statutes will manifeſt it for four hundred years. For what if other terms were uſed, yet they were in ſenſe the ſame. Neither did this begin in the

Reign

Reign of *Richard* the Second, or *Henry* the Third. King *Edward* the Confeſſor's *Modus tenendi Parliamentum* will confirm the ſame, to which my Lord Chief Juſtice *Coke* tells us, the Conqueror bound himſelf. Though Sir *Roger Owen* thinks this book but a Pamphlet, yet my Lord *Coke*, as good a Lawyer, and Sir *Henry Spelman* as good an Antiquary as he, were of another mind, and thought better of it. Nay, it's not only thus in making Laws, but alſo in judgments which paſs into an act. And this kind of Judgment is the higheſt, from which there lies no appeal. This is the nature of the Conſtitution ſo far as my poor underſtanding is able to judge.

Sect. 18. It remains, I add ſomething of our preſent condition ſince the times of our ſad diviſions. After a long continued peace, the light of the glorious Goſpel, many bleſſings and great deliverances from Heaven; ſuch was our unthankfulneſs, ſo great the corruptions of Church and State, that when God expected better fruits, our ſins were ripe for vengeance; ſo that ſome fearful judgment, if not the ruine of the three Nations, did ſeem to approach; or rather to be fatal and unavoidable. And ſome of our Teachers and Watchmen, ſeriouſly conſidering the eternal rules of providence and divine proceedings with the World in former times, and knowing our pre-

sent distempers, did foresee this, and gave us warning from those words of our Saviour, *Except ye repent, ye shall all likewise perish*, Luke 13. 3. Yet no warning given either by our watchmen from the Scriptures, or the judgments of God upon *Germany* and the neighbour Nations round about us, whom from our own shores we might behold wallowing in their own blood, would be taken. And even then when there was no danger from any enemy without, and we were secure, as enjoying the sweetest and most happy peace that could be expected on earth; God looked down from Heaven with indignation, and as though he had sworn to be avenged on such a Nation, and so ungrateful a people, he sent a spirit of giddiness amongst us, and set the *Egyptians* against the *Egyptians*, and made us Executioners of his own Judgment upon our selves: for from our selves our miseries did arise. For after a first and second pacification between *England* and *Scotland*, the long continued Parliament began to reform both Church and State, but found the corruptions so generally diffused and deeply rooted in the whole body, that there was a greater fear of ruin, than hope of Reformation; and this some of our wise Statists had formerly observed, was likely to be the issue. They acted vigorously at the first, but, as some wise men thought, too hastily and too high, and seemed some-

*Cause of England's Miseries.*

ſomewhat to encline to an extreme. In the mean time no man ſuſpecting, no man fearing it, brake out that bloody barbarous maſſacre in *Ireland*, wherein two hundred thouſand Engliſh Proteſtants are ſaid to be murthered in one month. In this the actors were Iriſh Papiſts, and the ſufferers Engliſh Proteſtants. This could not quench the fire of diſſention in *England*, which began to manifeſt it ſelf in the Parliaments Militia oppoſed to the King's Array, which proceeded to a bloody battel at or near *Keinton*; which continued till the King's party was wholly ſubdued in *England*, himſelf put to death, his poſterity diſpoſſeſſed of the Crown, *Ireland* reduced with the ruin of almoſt all the chief and ancient Families of the ſame, and *Scotland* vanquiſhed. In all our ſad diviſions which happened from firſt to laſt, and are not wholly yet ended to this day. Two things are worthy the ſerious conſideration of wiſer men than I am. 1. What party for time paſt hath been moſt faithful to the Engliſh intereſt. 2. What courſe is to be taken for to ſetle us more firmly for time to come. For the firſt we muſt underſtand what the Engliſh intereſt is. The intereſt of *England* is twofold, Civil and Eccleſiaſtical: for we are Engliſh men and Chriſtians. The Civil intereſt is *ſalus populi Anglicani*, there is no doubt of that, for the peace, ſafety, liberty, happineſs of our dear Country

*What obſervable in our ſad Diviſions.*

is

is the end, whereat we are all bound both by the written and natural Laws of God to aim. The intereſt Eccleſiaſtical is the Proteſtant Religion and the perſervation of the ſubſtance thereof. *Prelacy, Presbytery, Independency*, much leſs *Antipedobaptiſm* and other Sects, are not eſſential, but accidental to it. This being the intereſt of *England*, we cannot judge of the faithfulneſs either of the King's or Parliaments party by the quality of the perſons of either ſide. For there were both good and bad on both ſides, who had their ſeveral grounds of adhering to this or that party, and their ſeveral ends. and neither their grounds nor ends good. Nor can any man juſtifie all proceedings and actings of either ſide both had their errours. Nor muſt we judge of them according to their proteſtation, for both could not by ſuch contrary means attain the ſame end; as both ſides proteſted to maintain, the King, the Parliament, the liberty of the Subject, the Laws and the Proteſtant Religion. Neither in this particular muſt the Laws of the Engliſh Conſtitution and Adminiſtration be the rule: for both acted not only above the Laws, but contrary to the latter of them at leaſt. For no Laws could warrant the Parliament to act without the King, or the King without the Parliament: much leſs was it juſtifiable that there ſhould be in one Kingdom two, not only dif-

*How to judge of our Diviſions.*

ferent,

ferent, but contrary commands ſupreme, and from different heads and perſons. This was directly againſt the very nature of all Common-Wealths, which have only one firſt mover, and one indiviſible ſupreme power to animate and act them.

The Rule therefore muſt be the Laws of God as above the Laws of Men, and we muſt conſider according to theſe divine Rules, what was the ſtate of the Controverſie, the juſtice and equity of the cauſe made evident, and the juſt neceſſity of doing that which was done. Neither muſt we look at the cauſe only, as juſt in it ſelf, but alſo how it's juſtly or unjuſtly maintained. For men may uſe ſuch means as ſhall never reach the juſt end intended, but alſo ſuch as may be deſtructive of the cauſe it ſelf, and raze the very foundation of it. Beſides all this, before a perfect judgment can be made, the ſecret counſels, contrivances, deſigns, hidden actings of the chief Actors ſhould be known, yet theſe many times lie hid and are not known, or if known, yet to very few, and ſome of theſe few cannot ſound the bottom. Many things are charged upon the King, as acting againſt the Engliſh intereſt as Civil, as that he diſſolves Parliaments without juſt and ſufficient cauſe; that he intermits Parliaments for ſixteen years together; that having ſigned the Petition of Right, he acts Sect. 19.

*What charged on the King.*

acts contrary to it, impoſeth Ship-money, calls a Parliament, ſigns the Act of Continuance, deſerts it, calls the Members from it, calls another Parliament at *Oxford*, challengeth a negative Voice to both the Houſes, raiſeth a War againſt it, though he was informed, that this tended to the diſſolution of the Government, that whoſoever ſhould ſerve to aſſiſt him in ſuch Wars, are Traitors by the fundamental Laws of this Kingdom, and have been ſo adjudged in two Acts of Parliament, 11 *Richard* 2. and 1 *Henry* 4. And that ſuch perſons ought to ſuffer as Traitors. Theſe with other particulars charged upon him, ſeem directly contrary unto the civil Intereſt of the Kingdom. Again, to Marry a Popiſh Lady, upon Articles directly contrary to the Laws of *England*, and the Proteſtant Religion eſtabliſhed by Law, to entertain Twenty eight Popiſh Prieſts with a Biſhop, to tolerate Maſs in the Court, to receive Three Agents from the Pope one after another, *Piſano*, *Con*, *Roſetti*, to maintain the Queen-mother, to engage the generality of the People of *England*, to retard the relieving of *Ireland*, to admit divers of the Popiſh *Iriſh* Murtherers and Rebels into his Army, to call our *Engliſh* Forces, ſent to relieve the poor diſtreſſed Proteſtants of *Ireland*, out of that Nation, and employ them againſt the Parliament of *England*, to ſuffer ſome of the Heads of the *Iriſh* Rebels to be

ſo

ſo near his Perſon, to endeavour to bring in the Duke of *Lorrain* with his Forces into this Nation, to contract with the *Iriſh* Rebels upon condition to enjoy their Religion, to furniſh him with Ten thouſand *Iriſh* Rebels, to ſtrengthen his party in *England*, with divers other acts, like unto theſe, is conceived to be, not only inconſiſtent with, but plainly deſtructive of the *Engliſh* Proteſtant Intereſt. And if this be true, it muſt needs be ſo. Yet it might be ſaid, that the King endeavoured to maintain his own regal Power, the Epiſcopacy and Liturgy eſtabliſhed by Law, and that he did not oppoſe the Parliament, but a ſeditious party in the Parliament and other Sectaries, whoſe principles were deſtructive both of all civil and alſo Eccleſiaſtical Government; and without the judgment of able Lawyers and learned Divines, he did not undertake the War, either againſt *Scotland* or *England*, or any other. It's true, that of thoſe who adhered to the King, and liked not the Parliaments proceeding, there were ſome conſciencious perſons, who judged the King an abſolute Monarch, and did not like many things done by that party, yet they thought it the Duty of Subjects to ſuffer, and that it was no ways lawful to reſiſt. But the Caſuiſts ſay, That *Ignorantia excuſat a tanto non a toto*, their Ignorance might make their Crime

Crime leſs, yet no ways free them from all Guilt. It was not Invincible; they might eaſily have known that the King of *England* was no abſolute Monarch, ſeeing he could not impoſe any Subſidy upon the Subject, nor make or repeal a Law without the Parliament; neither could he by his Letters or perſonal Command revoke the Judgment of any Court. And though they might be Civilians, or read Foreign Writers, which take our Kings for abſolute Sovereigns, yet no ancient Lawyers, no Parliaments did declare them to be ſuch. Nay, they might have known, that they themſelves, obeying the King's perſonal Commands, diſobeyed him as King, and that ſerving him in the Wars, they were guilty of High Treaſon againſt the Kingdom, and againſt the King's Crown and Dignity. Of theſe Royaliſts, ſome have been high and cruel againſt their Brethren the Parliamenteers, and have cenſured them, and do yet condemn them both in Words and Writings, as guilty of moſt horrible Treaſon and Rebellion, which others will undertake to prove the cenſurers themſelves deeply guilty of. Wiſe and learned Men, no whit inferior to them, do certainly know, that as they could not maintain their cauſe by dint of Sword, ſo neither can they make it good by dint of Argument. One of their learned Caſuiſts delivers this as a poſitive truth;

truth; "That to diſobey a lawful Sove- *Diſobedi-*
"reign is ſuch an act, as that no circum- *ence to*
"ſtances can make it lawful, no not the *King un-*
"Glory of God, nor the ſaving of many *lawful.*
"Souls, nor preventing the Ruine of a
"Nation. This is high. Divers, who read this in his Books, conceive, that in this he toucheth the Cauſe and Controverſie between King and Parliament: I cannot charge him with any ſuch thing. But let his Application be what it will, I will conſider his Propoſition in it ſelf, and will ſuppoſe it to be grounded upon that divine *Maxime*, We muſt not do evil that good may come. For that which God hath made ſin, nothing can make lawful. But then the Queſtion is, What he means by Sovereign, what by diſobedience to a lawful Sovereign? If he mean by Sovereign one inveſted with ſupream Power, and an abſolute Monarch, it's clear enough the Kings of *England* were not ſuch. For, 1. They had no Legiſlative Power, which is the greateſt without this Parliament. 2. That his perſonal Commands bound no Man: for he could command nothing but according to the juſt Laws and Cuſtoms, *quas vulgus elegerat*. 3. The late King himſelf, in his Anſwer to the Nineteen Propoſitions, confeſſed, That the Parliament had a ſhare in the Legiſlative Power. It's true, they had the Title of Sovereign and Majeſty, but in another ſence than many take it.

As

As for the second Term, *Disobedience*, it might be twofold: 1. In respect of absolute Sovereigns. 2. In respect of the Kings of *England*. In respect of the former, a lawful Sovereign may command unlawful things, and contrary to the Laws of God; and in this case, their Commands may, nay, must be disobeyed. 1. If they command things lawful in themselves, yet they may command them so as to be unlawful. A man is bound to love Father and Mother by the Law of God, and to do so is not only lawful but necessary. Yet if this love come in competition with the love of Christ, it's plainly unlawful. Therefore I will be so charitable as to think, he understood the proposition of disobedience to lawful Commands of lawful Sovereigns, otherwise he saith nothing, but his proposition is false. 2. In respect of the Kings of *England*, their Commands are personal or legal: His legal Commands, if agreeable to the Laws of God, ought to be obeyed, and his Subjects are bound to submit unto his legal Power; for other Power, as King, he hath none. But as for his personal Commands, they bind no Subject, as a Subject; and if they be contrary to the Law, in obeying them, we may be guilty of Disobedience to the Law; nay of Disobedience to the King, as King; nay, guilty of Treason against the Kingdom, and the Kings Crown and Dignity. And methinks such learned Men should not be ignorant of these things.

As

As for the Parliament, it was charged with taking upon them the Militia, ſeiſing upon the Navy, ſecuring the Ports, making of a new Broad Seal, creating of Officers, aboliſhing of Epiſcopacy and Liturgy eſtabliſhed by Law, by which they loſt many of their Subjects, calling in the *Scots*, propoſing a Covenant to the people upon high terms, and many other things, and all theſe without the King, nay contrary to the King's Command, who had ſo graciouſly condeſcended unto them, in granting many things unto them prejudicial, as he thought, to his Prerogatives and the ancient Rights of his Predeceſſours, eſpecially the Acts of continuance and of the Triennial Parliament. Sect. 20. *Parliament accuſed.* *acquitted.*

1. For the Militia, it was alledged, The King promiſed it, and the Lawyers and learned Counſel informed them, That if the King in ſuch a time ſhould neglect it, they might take it, and exerciſe it themſelves without him; and it's reported, that the very ſame parties, who had given this Adviſe to the Parliament, after they were come unto the King, did counſel him to ſet on foot the Commiſſion of Array in oppoſition to the Parliament's Militia.

2. For ſeizing the Navy, Ports, and creating of Officers, in a Declaration of the Lords and Commons upon the Treaty at *Oxford*, is ſhewed the neceſſity of doing ſo, and the antiquity of that practice:

for they inſtance in many Parliaments, which have done the like and more too. It was no new thing. And though his Majeſty affirmed theſe things were his by Law, yet it was not his but by way of truſt, for the defence, not the deſtruction of the Kingdom.

3. For the Broad Seal, there was a neceſſity of making a new one, ſeeing that the former was ſurreptitiouſly againſt Law and Right, carried and conveyed away. Neither had the King, as ſeparate and divided from the Parliament, any right unto it.

4. The aboliſhing of Epiſcopacy and Liturgy, is conceived, might be juſtly charged upon the *Scots*, who when the King and ſo many great Ones had deſerted the Parliament, would not firmly adhere unto them, but upon ſuch terms. Otherwiſe the reformation of Biſhops and Book of Common-prayer was far more for the Proteſtant intereſt than *Presbytery*, which was rather inconſiſtent with it.

5. The calling of the *Scots* was ſaid to be done in extremity, and grounded upon the National League, according to which they were bound of themſelves to have aſſiſted the Parliament, as ſome thought and judged.

6. The Covenant is ſaid to be more from the *Scot* than the *Engliſh*: and what the deſign of the firſt Contrivers in it might be, was known to few who took it. It proved to be of bad conſequence (whether

ther in reſpect of the nature of the Covenant, or ſome other cauſe may be doubted) for the Parliament of *Scotland* thought it a ſufficient ground for Duke *Hambleton* to invade *England*, and the Engliſh Houſe of Commons judged them Rebels and Traitors, who ſhould joyn with him or aſſiſt. Such is the frailty, inconſtancy and pravity of men.

7. As for the high demands of the Parliament, it's alledged, No King ever did ſuch things, or gave occaſion to make ſuch demands, and he did but grant that which was reaſonable, and neceſſary for the time, and leſs than former Laws required; ſo that except as ſeparated from the Parliament, he was an abſolute Monarch, his denial of their demands was not conſiſtent with the Conſtitution of the Kingdom.

But after that the Royal party was totally ſubdued, there falls out a ſubdiviſion amongſt the Anti-Royaliſts. For they who could agree againſt a third Party, could not agree amongſt themſelves. For they began to play Scotch and Engliſh firſt, and then the *Presbyterian* (who much, though not in all things inclined to the Scot) and the *Independent* began to claſh. So the ſtate of the controverſie ſeemed to be altered. For both theſe Parties at the firſt profeſſed themſelves enemies only to Popery and arbitrary Government, which all true Engliſh Proteſtants were bound to oppoſe, Sect. 21. *The cauſe changed.*

oppose, and by the Laws of the Land might justly do it. But neither *Presbytery* nor *Independency* could be for our true interest, but rather against it. The truth is, they were not unanimously resolved what they should build up, though they agreed well enough in pulling down. And surely it's not wisdom to pull down and raze to the ground an old House, which being repaired might serve the turn, before they had a new one, and the same better, ready to set up, or rather finished to their hands. Yet this was not all the difference between the Parties: but after the Conquest of *Hambleton*, and all the Royal party rising and ready to joyn with him, yet some of them, who were real and cordial, and did really joyn together, laying aside for the time the difference of *Presbytery* and *Independency* in subduing the Adversary, were willing to joyn with the King upon certain terms in the Isle of *Wight*. They thought that such an agreement, if it might be made, was the only way to settle us in peace. Others conceived, that such an agreement, if once made, was destructive of all former designs and proceedings: and that if the King was guilty of so much blood, and other crying sins, as the Parliament, and especially the Kirk of *Scotland* had charged them withal, then to agree with him, was to destroy the English interest, and bring innocent blood upon themselves and the Nation. Therefore

*Treaty at the Isle of* Wight.

in

in an order for a ſolemn Thankſgiving made by the Kirk, one particular mercy to be remembred in that Service, was, that the Treaty with the King in the Iſle of *Wight* did not take effect. From this fearful guilt, if juſtly charged upon the King and his party, ſome would dare to conclude, That they who attempted to make an agreement with the Enemy ſo guilty, could not be ſo faithful as thoſe, who refuſed all ſuch reconciliation, and endeavoured to take away all cauſes of future danger. Yet if theſe latter, after a full and final ruine of the malignant party, as they called them, ſhould not proceed impartially to reduce the Government to the primitive Conſtitution, and labour to ſettle the Proteſtant Religion for the ſubſtance, and the good Laws of the Common-wealth, they might prove more faithful in deſtroying, than in building and laying the Foundation of our future happineſs. For to pull down one arbitrary Power to erect another, and neglecting the ſubſtance of the Proteſtant Religion, to protect Sectaries, and erect new models of their own brain, can be no act of fidelity. I will not enter upon particulars, nor reflect upon any perſon or perſons: for my intelligence is not ſo perfect, as to know the ſecret deſigns and hidden motions of ſeveral parties; which if I did know, I might the better regulate mine own judgment in this point, though I

could not ſatisfie others. Therefore I will leave all to the judgment of the Eternal God, and pray for future peace, and humbly requeſt him for to bleſs and proſper all ſuch as with an upright heart have endeavoured, and do ſtill labour to eſtabliſh a wiſe and juſt Government. And I further deſire all thoſe, whom God hath preſerved and bleſſed with great ſucceſs, to make a right uſe of God's mercies, leſt in the end they ſuffer the ſame or like judgments, as God by them hath executed upon others for their ſins. Though it be material to know who have been moſt faithful, and by whoſe means under God for the preſent we enjoy peace and the Goſpel, yet it may be of more moment, and alſo more uſeful, to take notice of the errours, miſtakes and miſcarriages both of Parliament and Army from firſt to laſt. For by the knowledge hereof we gain ſome advantage, and wiſe men may eaſily underſtand how to avoid the like, and to prevent ſuch miſeries for time to come as we have ſuffered in time paſt.

2. To obſerve God's proceedings, and the order which he hath obſerved in all our confuſions, and the end, whereat he aims, and the duties he expects after ſo many judgments executed.

3. To conſider what Families and perſons God hath puniſhed in theſe ſad times, and for what ſins: and if we after ſo great ſucceſs fall into the ſame ſins, we muſt expect the like puniſhments. 4. Not

4. Not to mention the great alterations in the Dominions of *Spain*, *Turkey*, *China* of late days, let's conſider in brief the ſtrange works and proceedings of the Almighty with us in this corner of the world. To this end, let us take a ſhort view of the Wars. 2. The Parliaments. 3. The King. 4. The Civil Government. 5. The Church. 6. Our preſent condition.

*The ſtrange works of God among us.*

1. The Wars are Civil or Foreign: Civil in *England*, *Ireland*, *Scotland*. The Royal Standard of *England* marcheth into *Scotland*, where an Army is ready to oppoſe. Yet no blow given; no blood ſhed. After this, we ſee two potent Armies in *England*, and only a little skirmiſh at the firſt, a pacification is made, the National League concluded, both the Armies diſbanded. But after this, no man fearing it, a bloody maſſacre of two hundred thouſand in the ſpace of one month, beſides many thouſand ſlain and butchered, afterwards begins the Tragedy in *Ireland*; Forces are ſent to revenge that blood, and thouſands of the bloody *Iriſh* are ſacrificed to expiate the former murthers. At length a Civil War is commenced in *England*, the ſame very bloody, continues long, many thouſands are ſlain, the Sword rageth in every corner, the cry goes up to Heaven. The Parliament deſiring not only to defend it ſelf, but to relieve bleeding *Ireland*, is brought very low, is ready to ſubmit, calls in the Scot, recovers, pre-

vails, beats the King's party in the field, reduceth all their Garriſons, and obtains a total Victory in *England*. *Ireland* almoſt loſt is recovered again, firſt in field-battel, then by reducing all their Garriſons. And in that Kingdom from firſt to laſt, millions are ſlain, the ancient great Families cut off, and the Land for the greateſt part made deſolate; which was a dreadful judgment of the moſt juſt Judge of Heaven and Earth. *Scotland*, where the fire began to ſmoke at firſt, ſcaped long, at laſt felt the bottoms and cruelty of a bloody War managed againſt them by *Montroſs*, who at firſt was one of their Covenantiers. Yet this fire is quenched. They invade *England* twice, and are twice ſcornfully foiled and ſhattered to pieces in *England*, and at length wholly ſubdued by our Engliſh Forces in *Scotland*, and remain ſubject to our Power to this very day. Never ſo many fearful Judgments executed, never ſo many bloody Wars in ſo ſhort a time can we read of in all our former Hiſtories. Before theſe Wars are ended, they beat the *Netherlanders*, the moſt potent people by Sea in the World.

2. Parliaments, which are the great Bulwark of the Kingdom, had been intermitted for ſixteen years; at length, when no man did expect, one is called, but ſuddenly diſſolved. Yet the *Scots* entred with a puiſſant Army into the Kingdom, made a neceſſity of calling a ſecond, which is ſummon-

ſummoned, confirmed by an act of continuance, acts high, makes great demands, continues long. Yet it's deſerted by the King and many of the Members, oppoſed by an Army, defends it ſelf, undertakes the King in *England*, *Scotland*, *Ireland*. It maker a new broad Seal, having formerly ſeized upon the Navy and the Ports, recruits it ſelf by new Elections. Then they fall out with the Army, after that they are divided amongſt themſelves. In the end follows the ſecluſion of many of the Members, and the remnant act, and by the Army and the Navy doth great things, but at laſt even this remnant by this Army is totally routed and diſſolved. This is that long-ſitting Parliament, which ſome ſay, might have been good Phyſick, but proved bad Diet. Never Parliament of *England* varied more, never any more oppoſed; never any ſuffered more, never any acted higher, never any effected greater things. It madean end of Kings, and new model'd the Government.

3. The King deſerting the Parliament, ſet up his Royal Standard, and is oppoſed, fought, beaten, finally and totally conquered, delivered by the *Scots* into the Parliaments hands, is confined, ſecured as a guilty perſon, tried, judged, condemned to death, executed. His Family and Children baniſhed, and diſinherited of the Crown, wander in foreign Countries, and many great Ones ſuffered and fell with him.

him. Many foreign States ſtood amazed, when they ſaw the potent Prince and Monarch of three Kingdoms, reigning in greater power and ſplendour than ever any of his Predeceſſours, caſt down ſo ſuddenly from the heighth of his excellency, laid in the duſt, and brought to nothing.

4. The Civil Government was much changed from the primitive Conſtitution, neither could the Petition of Right help much, becauſe the King and Miniſters of State would not obſerve it, but acted contrary unto it. So that it was arrived almoſt at the height of an abſolute Monarchy. But as the winding of a ſtring too high is the breaking of it, ſo it fell out with Monarchy. 1. The Parliament firſt require an explication of that Act for Liberty, afterwards limit the Regal Power, curb it, aſſume it, exerciſe it, and in the end take it wholly away. Some indeed of the Lords and Commons declare, That they had no intention to change the fundamental Government, by King, Peers and Commons, and perhaps really intended what they ſpake, yet they could not perform: for that very frame was taken aſunder and aboliſhed. Upon which followed three ſeveral models one after another. The 1. By the act of alteration. The 2. By the new inſtrument. The 3. and laſt by the humble petition of advice, and yet we are not well ſetled. So difficult it is after that a Conſtitution is once diſſolved,

to

to eſtabliſh a new frame. So that it may be truely ſaid, that never King acted ſo much againſt a Parliament, never Parliament prevailed ſo much againſt a King. Some were for the State of *Venice*: and that form of Government as the moſt perfect model for *England*. Some intend levelling; ſome did judge it beſt, that the General ſhould have continued onely General for a while, and to head onely the godly party: a ſtrange fancy and conceit.

5. As for the Church, many of the Engliſh began to look towards *Rome*, many came home unto the Church and turned Papiſts. Innovaſions were daily made in Doctrine and Diſcipline, and Prelacy ſeemed to advance with the Royal Power. But this great Parliament puts a ſtay to all; begins to reform, and in reforming incline to an extream. They take away Epiſcopacy Root and Branch, abrogate the Liturgy, make ſome alterations in the Doctrine; compoſe a new Confeſſion of Faith, a Directory for worſhip, and begin to ſettle a *Presbyterian* Diſcipline. Yet that in the very riſe was oppoſed by the Diſſenting Brethren, and never could be fully and univerſally ſo impoſed, as to be received. Hereupon, contrary to promiſe, the Golden Reins of Diſcipline were looſed, a general Liberty taken, and ſwarms of Sects appear, profeſs, and Separate. Errors, Hereſies, Blaſphemies do almoſt darken this Church, and overſpread the ſame. Never from

from the first receiving of Christianity in this Nation, was there so great a change in Religion known to be made in so short a time.

6. Yet, after all these bloody Wars, and greatest Alterations in Church and State, the substance of the Protestant Religion continues; the Universities stand, Schools remain, Learning flourisheth, Sabbaths are observed, Ministers maintain'd; never better Sermons, never better Books. The Orthodox Christian is confirmed. Matters in Religion are not so much taken upon trust and tradition, as formerly. Arts and Languages advance, the light of the Gospel shines. The Laws abide in force, Justice is administred, peace enjoyed, the Protestant Interest in forraign parts maintain'd. *England* is become a warlike Nation, furnished with gallant Men both by Sea and Land, is courted by great Princes, is a terrour to our Enemies, a protection to our Friends: and if we could agree amongst our selves, it is an happy Nation. Yet all this is from the wonderful wisdom of our God, who knows how to bring Light out of darkness, good out of Evil, and from his Exceeding mercy who hath heard the Prayers of a remnant of his people in behalf of this Nation, to which he intends good, if our sins do not hinder. And for my part I will not cease to Honour, and to pray for such, as from their hearts have endeavoured our good, and especially for such, which God hath

hath made ſo eminently inſtrumental for our preſent happineſs. Such as are truſted with great power, and employed in great buſineſs, are many times perplexed with great difficulties, and eſpecially in diſtracted times. And if they do ſomething amiſs, we ſhould not harſhly Cenſure, much leſs envy them, but rather pity them and pray for them: and remember our own frailty, and that if we had been in their place, we might have done worſe.

Sect. 22. *What may be the beſt way of ſettlement.*

But to draw unto a Concluſion of this long Chapter, and not to offend the Reader; let's conſider what may be done to finiſh and perfect any thing begun tending to our ſettlement. Far be it from me to preſume to preſcribe any thing to wiſer men, who have ſeriouſly conſidered of this very thing already. Yet I may be bold to deliver mine own Opinon with humble ſubmiſſion to my betters: and if I err, I may have the greater hope of pardon, becauſe I ſhall ſpeak as one unbiaſſed, and aiming with a ſincere heart at the publick good of the Engliſh Church and State, which, though fearfully ſhaken and ſhattered, are not yet deſtroyed. And 1. This is certain, that there are but two reaſons of our unſettlement:

1. Ignorance.
2. Wilfulneſs.

For we either know not how to ſettle, and what the beſt means are, which moſt effeually conduce to that end. Or elſe we are wilfully

wilfully divided, and no way will ſerve the turn but our own. The firſt is the cauſe of our difference in Judgement, the ſecond of our diſaffection: and without an unity of the whole, or at leaſt of the major part, the buſineſs will hardly be effected. For, we are not in any immediate capacity of a general Unity, till time hath waſted and conſumed ſome of our diviſions, and alſo the bitter enmity and rancour, which continues in the Spirits of many to this day. Therefore our ſettlement muſt begin in generals, and neceſſaries, and proceed by degrees. 2. The Foundation to be laid, is, firſt to find out the ancient Conſtitution before it was corrupted too much, and underſtand the great Wiſdom of our Anceſtors, gained by long experience in the conſtitution of this our State. This may be done by ſome experienced Statesmen, and Antiquaries in Law, and that as well, if not better out of Parliament, than in Parliament. For a Parliament it ſelf muſt have ſome Foundation and certain Rule of their very being, before they can act ſteadily and regularly, and not ſpend their time of every ſeveral Parliament in molding their Government a new. It's a vain and preſumptuous imagination, to think that we have attained to a greater meaſure of Wiſdom than our Anceſtors attained unto. And let us not undo what is already done, if it be conſiſtent with the beſt model. 3. Let no man think that the

the publick intereſt, either Eccleſiaſtical or Civil, of *England*, is the intereſt of any one perſon or Family, or any few perſons or Families, much leſs of any Sect, Party, Faction. It cannot be denied, but whilſt the ſucceſſion of our Kings was limited to a Family, the ſucceſſion was more certain. For ſo the next ſucceſſour was more eaſily known, and competition, which in this caſe is ſo dangerous, was more eaſily avoided. Yet even this could not prevent the difference between the Houſes of *York* and *Lancaſter*. And when the iſſue of *Henry* 8 failed, we had been in greater danger, if the King of *Scots* had not been a Proteſtant, and one who was conceived would prove firm to the Engliſh Proteſtant Intereſt. But when this limited ſucceſſion ſhall prove (as it may do) inconſiſtent with the publick intereſt, its not ſo much to be regarded. For, why ſhould the honour or priviledge of one Family, prejudice the univerſal ſafety of a Nation. We know that vaſt Empires and Kingdoms have by an unlimited Election continued long. And that which might help much in this Caſe, is that policy of the *German* Empire in the *Interregnum* to have an adminiſtrator General. 4. In modelling the Government, we muſt have a ſpecial eye unto the Conſtitution, that it be ſuch, as that it may, not only be conſiſtent with, but effectually conduce to the promoting of peace and righteouſneſs in the adminiſtration of the State,

State, and also to the advancement of the Christian Religion in the Church. And I conceive our ancient Government for these ends was excellent: and did also preserve and regulate the liberty of the people, and also wisely limit the supream Magistrate.

*Qualification of Parliament members.*

5. The Parliament being a general Representative of the whole Nation, and now of three, and trusted with our liberty, estates, lives, and in some measure with the Religion we profess, should consist, and be made up of eminent and wise men. Therefore the Election of them for the manner, should be more regular and orderly in respect of the Electors, and better limited and more strictly tied to a right Qualification of the Persons elected, which should neither be unworthy nor unfit. It may indeed fall so out, that in these irregular, and sometimes tumultuous Elections, some wise and eminent persons may be chosen, and the same may prove predominant and leading Members in that great Assembly; but this is but a chance, and no certainty nor use of right reason in it.

*What to be looked into by a Parliament first.*

6 When a Parliament is once assembled and begins to act, if there be any thing that concerns the preservation and continuance, either of the being of the State, or of the Substance of the Protestant Religion, that must be first dispatched, and the next the punishment of crying Sins, which are the Ruines of States.

7. As

7 As for Religion, ſo far as it concerns the State; it's fit that there be ſome general Rule both of our Profeſſion and Worſhip: but the Rule of profeſſion muſt be brief, and grounded upon plain Scriptures, and ſo near to ancient Confeſſions, as that no rational Chriſtian, who acknowledged the Scriptures to be the Word of God, could or would ſcruple. The Rule of Worſhip alſo muſt be plain and Clear. Let nothing be impoſed upon all, which any rational Chriſtian, as ſuch, may not recive without ſcruple. As for Diſcipline, as I have begun, ſo I will go on in the next Chapter. But theſe things have been, and will be conſidered by far wiſer men, therefore I will not enlarge.

I might have ſaid ſomething more of the manner of diſpoſing Soveraign power, and with *Beſoldus* have obſerved, that as there may be two perſons who make but one Monarch, ſo there may be one King of two, or more diſtinct and ſeveral Kingdoms. This latter diſpoſal was debated much in *Calvin's* caſe by the *Sage* Judges of the land: in which debate, ſome of them, eſpecially Chancellour *Egerton*, did little leſs than make the King an abſolute Monarch, and the two Kingdoms in effect one: but the Parliament was of another mind. And the matter was far above their Courts and Cognizance; the union could not be determin- Sect. 23.

ed, but by the Parliaments of both Kingdoms, neither could this be done by them, if the union made any alteration in the Conſtitution of either Kingdom. In reſpect of mine intention, this Chapter is very large, in reſpect of the matter very brief: and my deſire is, that others would more ſeriouſly and impartially enquire into this ſubject, ſo far as it concerns our own Conſtitution, which no doubt may be found out, and if it prove defective may be perfected, if men were peaceable, and ſought the publick good.

CHAP.

# CHAP. IX.

## *Of the diſpoſition of Eccleſiaſtical Power: and firſt, whether it be due unto the Biſhop of* Rome.

THe moſt difficult point in Politicks, Sect. 1.
is, that of the *Jura Majeſtatis*, and the right diſpoſal of them in a fit ſubject: and concerning the nature of Civil power, the manner of acquiring and diſpoſing of it, I have already ſpoken; and alſo of Eccleſiaſtical power and the acquiſition thereof: now it remains, I ſay ſomething of the manner of diſpoſing the power of the Keys in the right ſubject. This is a matter of great diſpute in theſe our times. Therefore, when I expected to find all clear, becauſe a *Jus divinum*, grounded on the Scriptures, was pretended on all hands, I found it otherwiſe. As, when one of our Worthies had diſemboked the *Megellanick* ſtraits, and was entred into that ſea, they call *Pacificum*, he found the word *Pacifick* really contradicted by violent ſtorms: ſo it falls out here, I hoped to have landed in a Region of perpetual peace, but I was found in a *Terra del Fuego*, a land of

fire and ſmoak; like unto *Palma*, one of the ſeven *Canary* Iſlands, where, in *September* 1646, or thereabouts, a fire firſt raged fearfully in the bowels of the earth, and at length brake out, and ran in five ſeveral fiery, ſulphurious ſtreams into the main: In like manner, this power of the Keys runs in five ſeveral Channels, but very turbulently and impetuouſly. For the Pope, the Prince, the Prelate, the Presbyter, the Plebean rank, do every one of them ſeverally challenge it; and nothing under a *Jus divinum* will ſerve the turn. Therefore I will,

1. Examine their ſeveral Titles.
2. Deliver mine own judgement.
3. Add ſomething of the extent of a particular Church.

Sect. 2. And this ſhall be my Method, and the ſeveral Heads of my enſuing Treatiſe, before I enter upon the ſecond part of the Conſtitution of a Common-wealth, which is *Pars ſubdita.*

The firſt title, is, that of the great *Roman* Pontiffe, who perhaps will ſtorm, and that with indignation againſt any, who ſhall preſume to examine it. This Biſhop is the greateſt Prelate and Clergy-man in the world. And as old *Rome* from a poor beginning, and a few people, became the Imperial City of the world; ſo this Prelate, from a poor peſecuted Miniſter of the Goſpel, attained to this pitch of glory; and contrary to the example of Chriſt and

his

his Apoſtles, lives in ſo great ſplendour, pomp and State terrene, that the Princes of the world cannot parallel him: and for the power, which he doth exerciſe and challange, he his far above them. His Court is very magnificent, and cannot be maintained without a vaſt Revenue. Some ſay, that he is that ſecond beaſt which came out of the earth, and had two horns of a Lamb, but ſpake as a Dragon, and exerciſeth all the power of the firſt beaſt before him, *&c.* Rev. 13. 11, 12. His name is *Satanos*, his number 25. He aſſumed the title of Univerſal Biſhop about the year of our Lord, 666. So that his number in the name, in the radical ſum, and in the time of his appearance, is 666. And for orders ſake, I might, 1. Obſerve the power. 2. Relate the ſeveral reaſons, whereby the title to this power is confirmed. 3. Examine whether they be ſufficient or no? 1. The power, which is challenged, is tranſcendent and very great, and that not only extenſively, but intenſively too, it's ſuch as men never had, and therefore could never give. And therefore, though he came out of the earth, yet he derives it from Heaven. To be the firſt Patriarch of the Imperial See will not ſerve the turn: neither will he be content to be a man and fallible, he muſt be infallible. Neither will this ſatisfie him, he muſt be the viſible Head of the Univerſal Church, univerſal Biſhop and Monarch

over all perſons, all Churches, in all Cauſes Eccleſiaſtical. Nay, this Power is ſo extenſive, that he muſt have ſomething to do in Heaven, and much to do in Hell. He muſt be above all General Councils. They cannot Aſſemble, Conclude, Diſſolve without his power. He muſt be Preſident; all Canons and Judgments which they paſs without him, are of no force, and only what he approves is valid. His very Letters muſt be Laws, and if he pleaſe of Univerſal Obligation. His Reſervations and Diſpenſations are very high, his judgments irreverſible; he receives laſt appeals from all Churches in the World; he Judgeth all, is Judged of none. His power to execute is ſtrange, and his policy wonderful. He hath plenitude of power Eccleſiaſtical. Yet this will not ſuffice him; he hath acquired temporal Dominions, and is a ſecular Prince. And becauſe his Territories are not large, he hath found out a way to poſſeſs himſelf of the Sword, and all temporal power *in ordine ad ſpiritualia*, muſt be his.

Sect. 3. But what are the reaſons, whereupon this vaſt power is grounded? Surely they do build upon a rock, and not upon the ſand. Their reaſons are taken from Politicks, from the ancient Writers, and from Scriptures too. 1. From Politicks, they take this for granted that amongſt humane Governments, Monarchy is the beſt. 2. That amongſt Monarchies Deſpotical excels: this

this they dare not expressly affirm, yet the papal power which is challenged, is such. 3. That if Monarchy be the best, then surely the Government of the Church is Monarchical, for that being instituted from Heaven, must needs be the most perfect. 4. That the first Monarch visible of the Church was *Peter*. 5. That *Peter* was made such by Christ, and received a power to transmit it to others, and appoint his Successours. 6. That he fixed his See at *Rome*, and made the Bishop of that City his Heir, so that he is *hæres ex asse*. 7. That so soon as any person is legally elected Bishop of that See, he is *ipso facto*, the Universal Monarch, and the proper subject of plenitude of all Ecclesiastical power. 2. The Epithetes, the Elogies, the *Encomiums* of the Bishop and the See of *Rome*, are collected out of ancient Writers, and marshalled in order, and they make a goodly show: and who dare say any thing against them. 3. Yet because these are not of divine Authority, therefore they search the holy Scriptures, and find it written that *Peter* was the only person and Apostle, to whom Christ gave the Keys of Heaven's Kingdom, and he must bind and loose on earth; and what he shall so do on earth, shall be made good in Heaven. If this will not serve the turn, Christ saith to *Peter*, and to no other Apostles, *If thou love me, feed my Flock, my Lambs, my Sheep*, and to feed is to govern,

and the Flock, Lambs, and Sheep, are the Church.

Sect. 4. Yet notwithſtanding all theſe reaſons, many rational men think, and they have reaſon for it, that this power is ſo great, that it's intolerable preſumption for any perſon to challenge it, impoſſible for any man duly to manage it, but only Jeſus Chriſt, who knew no ſin, and was not only man, but the Son of the living God. Beſides, wiſe men do certainly know that the power was uſurped and poſſeſſed by degrees firſt, and afterwards the greateſt Wits were ſet on work to invent a title: the uſual way of all unjuſt Uſurpers. 1. As for their Politicks, they help them little: for in that reaſon from Government, they preſuppoſe all, and prove nothing from firſt to laſt, neither can any wit of man prove any of their ſuppoſals; yet all muſt be proved, and that demonſtratively, and every one of them made evident, otherwiſe the vaſt mighty Fabrick falls to the ground. Many of themſelves know in their Conſcience the invalidity and weakneſs of every one of them. 2. As for theſe paſſages of ancient Writers, which ſeem ſo much to honour and advance that Church above others, many of them are Hyperbolical and Rhetorical ſtrains, and far from being any ground either of Logical or Theological proofs. 2. Such as were proper might agree to that Church for that time, when it was honoured with perſons

of

of eminent piety and learning, which were found in it as being the ſeat of the Empire. And ſuch things might be true of that Church then, which do not agree unto it now. 3. It's found by the ſearching of the ancient Manuſcripts, that ſome things have been foiſted into the Books of theſe ancient Authors in favour of that Church. For they, who could (even before the fourth Century was ended) corrupt the Copy, if not the Latine Original of the *Nicene* Council, and put in a Canon for to warrant receiving appeals from *Africk*, which was not found in the *Greek* Original, are not much to be truſted. 4. Suppoſe many or all of thoſe ancient commendations, which were proper ſhould be true, yet they will not amount to that plenitude of power which in after times was exerciſed, and to this day is challenged by the Biſhops of that See. 5. None of thoſe honourable teſtimonies are of Divine authority, or firmly grounded upon the Scriptures. And what the Scriptures give them, that we will not deny them. 3. As for their arguments from Scriptures, I have wondred that any rational man ſhould ever uſe them, as they are by them applied to the Pope. To argue, That becauſe Chriſt ſaid to *Peter*, *to thee I give the Keys of the Kingdom of Heaven, and if thou loveſt me, feed my Sheep*: therefore the preſent Biſhop of *Rome* is the Head and abſolute Monarch of the Univerſal Church, and

and inveſted with plenitude of power, is very irrational. There is ſuch a vaſt diſtance between theſe Scriptures and the concluſion, and ſo many *mediums* to be uſed before they can come at it, and the ſame ſo uncertain, that no man, that will make uſe of his reaſon, can aſſent unto the concluſion; when all is ſaid, that can be ſaid, in behalf of this Univerſal Vicar from theſe Texts. If we ſhould maintain our cauſe againſt them by ſuch arguments, they would reject us with ſcorn and indignation. Let his party plead and plead again, for his Univerſal and tranſcendent power, I am ſure of one thing, that if he loved Chriſt as *Peter* profeſſed he did, and had a mind ſincerely bent to feed his Flock, he would never challenge, much leſs exerciſe ſuch vaſt power. That Chriſt left a power ſufficient to the Church, we verily believe, but that he delegated ſo great a power, or delegated it unto him, we utterly deny, and have great reaſon for it. Yet, becauſe we will not ſubmit unto his papal Majeſty, we muſt be condemned as Schiſmaticks and Hereticks, deprived of all hope of Salvation, as having no Communion with that Church, whereof he is Head, and lodged in Hell, the loweſt Hell. And all this is done upon the weakeſt grounds that ever rational man did uſe. But we appeal to Heaven, where Chriſt will be our Advocate, and plead our cauſe, and carry it too. If it were needful, I would

would ſingle out the chiefeſt arguments uſed by them of *Rome* to maintain this Title, and anſwer them diſtinctly. But this is done already by many worthy and learned men. Therefore I will take it for granted, as that which hath been made good and evident, that the Pope is not the firſt and proper ſubject of the power of the Keys.

CHAP.

## CHAP. X.

### *Whether the Civil State have any good Title to the Power of the Keys.*

Sect. 1. YET if the Pope cannot have and hold this power, yet the Princes, Soveraigns, and civil States, especially Christian, will assume it, and they have the strongest, and the surest way of all others, if they once get possession for to keep it, and that's the Sword. King *Henry* 8. did not only refuse to submit unto the *Roman* supremacy, but took it to himself, and became within his own Dominions, over all persons, in all causes, as well Ecclesiastical as Civil, supream Head and Governour. So the Priest by the Prince was divested of a considerable part both of his power and also his Revenue. But whether he could be the proper subject of this spiritual Power, or make good his Title to it, was much doubted, and that by many. As King, he was but *caput regni non Ecclesiæ:* and as such, he might have some Civil, but no Ecclesiastical Power at all. Yet though it was called Ecclesiastical yet it was not such, *Grammatice sed Rhetorice*, not properly, but by a *Trope*, a *Metonymie* of the adjunct for the Subject *circa quod*. For the power of a State Tempo-

Temporal is only Civil, if properly and formally considered; yet the Civil Soveraign had always something to do in matters of Religion, concerning which it may make Laws, pass Judgment, and execute the same; yet the Laws, the Judgments, the Execution were Civil, not strictly Ecclesiastical. Therefore such as maintained the Regal Supremacy in Ecclesiasticals, were so wise as to say, that it was * but materially and objectively in the Crown. In which sense it was always due to Civil Powers, as Civil, as appears from *Deut.* 13. and many other places of Scripture: as also from many Examples, not only of the Kings of *Judah*, but of *Ninivy*, *Babylon*, and *Persia*. That many of these Heathen Princes, and also of the Kings of *Israel* did abuse this power, for the establishment or exercise of a false Religion, and Idolatry, is no argument to prove they had it not, but that they did not use it aright ἐξουσία ἀναγκαῖα *circa sacra*, did always belong, and that by divine institution to the Civil Higher Powers.

* *Non assumit Rex vel jus clavium vel censuræ, sed quæ exterioris politiæ.* Tort. Torti. pag. 318. *Rex qua Rex, habet primatum Ecclesiasticum objective, qua Christianus effective: qua Rex actu primo, qua Christianus secundo* Mason. de Minist. Angl. l. 3. pag. 312. Sect. 2.

For the better understanding of this point, several things are to be observed,

1. That as there is no people so barbarous but profess and practise some Religion, so there is no State or orderly Government, but acknowledgeth some Deity or Divine Power, upon which they conceive their publick Peace, Safety, Prosperity,

rity, and good Success doth depend: as we may by the very Scriptures, and also by other Histories be informed. For every Nation had their publick gods, besides their Family-tutelar Deities. It's true, though by the light of Nature, considering the Glorious works of Heaven and Earth, they might have known the true God, yet they changed the Glory of God into a Lye, or false God, and conceived that to be a God which was no such thing.

2. The supream Governours of these States had a special care to order the matters of that Religion which they publickly received. They made Laws, appointed Priests for the Service and Worship of their Gods. This is also evident from Scripture, and from other Histories too. This ordering of Religion as publick, was always held a right of the publick Power.

3. Yet they had no power to establish, or observe any Religion or Worship, but that which God had instituted according to the Laws of Nature, or divine Revelation; if they did, they abused their Power. For that very power, as from God, was nothing but *jus ad recte agendum*, a right to do right in matters of Religion. If they did otherwise, they abused their power, they lost it not. And if an Heathen Prince or State should become Christian, they acquire no new

Right,

Right, but are further engaged to exercise their power in abolishing Idolatry, and establishing the true Worship of the true God. This may be signified by the Titles of Nursing-Fathers of the Church, Defenders of the Faith, Most Christian, Most Catholick King. All which, as they signified their Right, so they also pointed at their Duty, which was to protect the true Church, and maintain the True, Christian, Catholick Faith.

4. Though Regal and Sacerdotal power were always distinct and different in themselves, yet they were often disposed and united in one Person. Thus *Melchisedeck* was both King and Priest, Thus *Romulus* was Prince, and the chief Pontiffe. For he is said Ἱερῶν καὶ θυσιῶν ἡγεμονίαν ἐχεῖν καὶ πάντα δι' ἐκείνου πρόττεσθαι τὰ πρὸς θεοὺς ὅσια, *Halicar. Antiqu. Rom. lib.* 2. The succeeding Kings took the same place. After the Regal power was abolished, it was an high Office. When *Rome* became Imperial, the Emperours took the Title of Supream Pontiffe, and some of them, after they became Christian, retained it. Yet still as the Powers, so the Acts were distinct. For *Melchisedeck* as King, ruled his People in Righteousness and Peace; as Priest officiated, received Tithes, and blessed *Abraham*. As they were sometimes united, so they were divided. For God entailed the Sacerdotal

tal power upon the houſe of *Aaron*, and afterwards, the Regal power upon the family of *David*. Neither did Chriſt or his Apoſtles think it fit to make the Miniſters Magiſtrates, or the Magiſtrates Miniſters. Yet in this Union or Diviſion you muſt know, that this Sacerdotal and Miniſterial power was not this Civil power of Religion, which always belonged to the Civil Governours, even then, when theſe two powers were divided.

5. If Civil powers ſtabliſh Religion and that by Law, call Synods, order them, ratifie their Canons, diveſt ſpiritual and Eccleſiaſtical perſons of their temporal priviledges, or reſtore them, yet they do all this by their civil power, by which they cannot excommunicate, abſolve, ſuſpend, much leſs officiate and preach, and adminiſter Sacraments. In this reſpect, if the civil power make a civil Law againſt Idolatry, Blaſphemy, Hereſie, or other ſcandal, they may by the ſame power juſtly puniſh the offenders by the ſword, and the Church cenſure them by the power of the Keyes.

6. This *jus Religionis ordinandæ*, this power of ordering matters of Religion, is not the power of the Church, but of the State; not of the Keyes, but of the ſword. The Church hath nothing to do with the ſword, nor the State with the Keyes. Chriſt did not ſay, tell the State, and whatſoever ye bind on earth ſhall be bound

bound in Heaven, &c. Neither did he ſay of the Church, that ſhe beareth not the ſword in vain. Therefore, he muſt needs be very ignorant or very partial, that ſhall conceive that the State is the πρῶτον δεκτικὸν of the power of the Keyes.

Theſe things premiſed, give occaſion Sect. 3.
to conſider, how the Oath of Supremacy is to be underſtood, eſpecially in theſe words, wherein the Kings or Queens of *England* were acknowledged (over all perſons, in cauſes as well Eccleſiaſtical as Civil all, ſupream head) and becauſe that word *Head* was ſo offenſive, it was changed into Governour. For the clearing hereof, it's to be obſerved,

1. That by theſe words, it was intended to exclude all foreign Power both Civil and Eccleſiaſtical, eſpecially that which the Biſhops of *Rome* did challenge, and alſo exerciſe within the Dominions of the Crown of *England*.

2. That the Kings and Queens of *England*, had no power ſupream in making Laws and paſſing judgements without the Parliament. Therefore by ſupream Governour, was meant ſupream Adminiſtratour, for the execution of the Laws in the intervals of Parliament. In this reſpect, the Canons and injunctions made by the Clergy, though confirmed by royal aſſent, without the Parliament, have been judged of no force.

3. That by Eccleſiaſtical cauſes, are

meant such causes as are materially Ecclesiastical, yet properly civil, as before. For matters of Religion, in respect of the outward profession and practice, and the Parties professing and practising, are subject to the civil power. For by the outward part the State may be disturbed, put in danger of Gods judgements, and the persons are punishable by the sword, even for those crimes. Yet neither can the sword reach the soul, nor rectifie the conscience, except *per accidens*. That by *Ecclesiastical*, is not meant *spiritual* in proper sense, is clear, because the Kings of *England* never took upon them to excommunicate or absolve, neither had those Chancellours, that were only Civilians, and not Divines, power to perform such acts. Yet they received their power from the Bishops, and it was counted Ecclesiastical.

4. In respect of these Titles, those Courts which were called Spiritual and Ecclesiastical, derived their power from the Crown. And the Bishops did correct and punish disquiet, disobedient criminous persons within their Diocess, according to such authority as they had by Gods word, and as to them was committed by the authority of this Realm. These are the words of the Book of Ordination in the consecration of Bishops. The words seem to imply, that they had a mixt, or at least a twofold power: one by the word,

as

as truſted with the power of the Keyes; the other from the Magiſtrate or Crown, and that was civil. Such a mixt power they had indeed in the high Commiſſion. Yet though this may be implyed, yet it may be, they underſtood that their power by the word of God, and from the Crown were the ſame. The act of reſtoring the ancient juriſdiction to the Crown. 1 *Eliz.* 1. doth make this further evident. For it's an act of reſtoring the ancient juriſdiction in Eccleſiaſticals eſpecially, to the Crown; for that's the Title. Where it muſt be obſerved, that the power was ſuch, as the Parliament did give.

2. That they did not give it anew, but reſtore it.

3. They could not, had no power to give it, if it belonged to the Crown by the Conſtitution, but to declare it to be due; upon which Declaration the Queen might reſume, that which the Pope had uſurped and exerciſed.

4. It's remarkable, that not the Queen, but the Parliament, by that act did reſtore it: as the act of the Oath of ſupremacy was made by a Parliament, which by that act could not give the King any power at all, which was not formerly due. In reſpect of Teſtaments, temporal juriſdiction, Dignities, Priviledges, Titles as due unto the Church by humane Conſtitution and donation, all Eccleſiaſtical cauſes concerning theſe, were determinable by a civil power. How tithes

are a lay-fee or divine right, hath been declared formerly. Hence it doth appear, that the Oath of Supremacy was not ſo eaſily underſtood, as it was eaſily taken by many: and the *Oxford* Convocation, I believe, but that they had already ſworn, could have found as many reaſons againſt it as againſt the Covenant, eſpecially if it had been new, as the Covenant was. Many wiſe men at the firſt did ſcruple it, and ſome ſuffered death for refuſal. Amongſt the reſt Sir *Thomas Moor*, a learned and a very prudent man, could not digeſt it; and though he might have an high conceit of the Papal Supremacy, yet that might not be the only reaſon of his refuſal, but this, becauſe he knew the Crown had no Eccleſiaſtical power properly ſo called. Though this was not thought to be the true, but only the pretended cauſe of his death: For in his *Utopia*, he ſeems to diſlike the Indiſputable Prerogative, which was a *Noli me tangere*, and to touch it ſo roughly, as he did, might coſt dear, as it did. Yet I have taken the Oath of Supremacy in that ſenſe as our Divines did underſtand it; and I was, and am willing to give to *Caſar* the things that are *Caſar's*.

Sect. 4. That which hath been ſaid in this point in brief is this: That though the Civil Powers have a right to order matters of Religion in reſpect of the outward part, and ſo far as the Sword may reach it according

cording to Divine Law, yet they have no power of the Keys, which Chriſt committed to the Church. For if we conſider all the power exerciſed in matter of Religion by *David*, *Solomon*, and the pious Kings of *Judah*: by the Chriſtian Emperours and Princes; by the Kings of *France* and *England*, it was but civil. Neither is the power of our Parliaments any other. For though they make Acts concerning the publick Doctrine and Diſcipline, yet theſe are but civil. They are not Repreſentatives of the Church, but of the State, whether the Convocation was an eſſential part of the Parliament, or a full repreſentative of the Church, I will not here debate. I find ſome great Lawyers which deny both. And if their denial be true, then *England* had no general Repreſentative of the Church in latter times. As for *Eraſtians*, and ſuch as do give all Eccleſiaſtical power of Diſcipline to the State, and deny all power to the Miniſters, but that of diſpenſing Word and Sacraments: it's plain, they never underſtood the ſtate of the Queſtion; and though a Miniſter, as a Miniſter have no power but that of Word and Sacraments: yet from thence it will not follow, that the Church hath not a power ſpiritual, diſtinct from that of the State in matters of Religion.

# CHAP. XI.

## *Whether Epiſcopacy be the primary ſubject of the Power of the Keys.*

Sect. 1. THE Prelate preſumes that the power of the Keys is his, and he thinks his title very good, and ſo good, that though he could not prove the inſtitution, yet preſcription will bear him out. For he hath had poſſeſſion for a long time: and Univerſality and Antiquity ſeem to favour him very much. Yet I hope his title may be examined; and if upon examination it prove good, he hath no cauſe to be offended, except with this, that I of all others ſhould meddle with it. But before any thing can be ſaid to purpoſe, we muſt firſt know the nature and inſtitution of a Biſhop, which is the ſubject of the Queſtion. Secondly, Put the Reader in mind, that the Queſtion is not in this place, whether a Biſhop be an Officer of the Church, either by ſome ſpecial, or ſome general Divine Precept, but whether he be the πρῶτον δέκτικον the primary ſubject of the power of the Keys. For he may be an Officer, and yet no ſuch ſubject. Concerning a Biſhop, the ſubject of the Queſtion, two things are worthy our conſideration. 1. What he is. 2. How inſtituted

inſtituted at the firſt. The Definition and Inſtitution, ſeem rather to belong unto the ſecond part of Eccleſiaſtical Politicks, where I ſhall entreat of Eccleſiaſtical Officers; and the conſtitution of them. Yet I will here ſay ſomething of both in order to the Queſtion, though I be the briefer afterward.

What a Biſhop is may be difficult to know, except we do diſtinguiſh, before we do define. For we find ſeveral ſorts of Biſhops in the Church Chriſtian. There is a Primitive, a Prelatical or Hierarchical, and an Engliſh Biſhop, diſtinct and different in ſome things from both the former: for whom I reſerve a place in the end of this Chapter. The Primitive Biſhop is twofold. Sect. 2. *Primitive Biſhop.*

1. A Presbyter.
2. A Preſident or Superintendent.

1. A Presbyter in the New Teſtament is a Biſhop. For the Elders of *Epheſus*, were made by the Holy Ghoſt Biſhops or Superintendents over God's flock, *Acts* 20. 28. And the qualification of a Biſhop, 1 *Tim.* 3. 1, 2, 3, *&c.* is the qualification of an Elder, *Tit.* 1. 5, 6, 7, *&c.* For whatſoever ſome of late have ſaid to the contrary, yet Presbyter and Biſhop were only two different words ſignifying the ſame Officer. And this is confeſſed by divers of the Ancients, who tell us, that the word *Biſhop* was appropriated to one, who was more than a Presbyter, in after-times.

2. A Biſhop ſignified one that was above a Presbyter in ſome reſpects, as a Moderatour of a Claſſis, or Preſident of a Synod. But ſuch a Presbyter might be only *pro tempore* for the time of the Seſſion; and after the Aſſembly diſſolved, he might return to be a bare Presbyter again. For to be a Moderatour or Preſident, was no conſtant place. The word in this ſenſe we find ſeldom uſed, if at all.

2. A Preſident was a kind of Superintendent, with a care and inſpection, not only over the people, but the Presbyters too within a certain precinct: and this was a conſtant place, and the party called a Biſhop, and by *Ambroſe* and *Auſtine*, with divers others, called *primus Presbyterorum*, and theſe were ſuch as had no power, but with the Presbytery joyntly, and that without a negative voice. And the Presbytery might be a Repreſentative, not only of the Presbyters ſtrictly taken, but of the people too. For we may read in *Cyprian* and other Authours, that theſe Biſhops in more weighty matters of publick concernment, did nothing without the counſel and conſent, not only of the Presbyters, but the people. This I call a primitive Biſhop, not only becauſe he is ancient, but alſo becauſe the place or office is agreeable to the rules of Reaſon, of Government, and the general Rules of the Apoſtles concerning Order, Decency, Edification. There is alſo an Hierarchi-

*His Power.*

*Hierarchical B.* B.

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cal Biſhop, who may be only a Biſhop, or an Archbiſhop, and Metropolitan or a Patriarch; and theſe challenge the power of Ordination and Juriſdiction; and in Juriſdiction, include and engroſs the power of making Canons. This kind of Epiſcopacy is ancient as the former. This laſt Biſhop is he, upon whom *Spalatenſis* and many others do fix: and though they grant that he ſhould do nothing without the Counſel of the Presbytery, yet they give him full power without the Presbytery, which they joyn with him only for advice. The Engliſh Biſhop is in ſomething different from all theſe, as ſhall be made evident hereafter. From theſe diſtinctions it's apparent, that the word *Biſhop* is equivocal, and muſt be defined ſeveral ways according to the ſeveral ſignifications, which is eaſily done by that which hath been ſaid already. *His Power.*

For the firſt inſtitution of Epiſcopacy, there is as great difference in that, as in the former, and that not only in reſpect of the time when it was inſtituted, but alſo of the Author of the inſtitution. Thoſe that are zealous for Epiſcopacy, muſt needs have the inſtitution to be Divine; whoſoever the Author may be, whether Chriſt or his Apoſtles. Some learned and pious men make Chriſt the immediate Author in that miſſion. 1. Of the twelve Apoſtles. 2. Of the ſeventy Diſciples. In which miſſion, they obſerve, 1. An imparity Sect. 3.

parity between the twelve and the ſeventy, which imparity they ſay, continued in the Biſhops ſucceeding the Apoſtles, and the Presbyters ſucceeding the Diſciples: but theſe will ſatisfie no conſiderate man. For though it be granted, that there was ſome imparity, yet, 1. The miſſion of both was immediately from Chriſt. 2. It was for the ſame work to preach the Goſpel, and do Miracles in confirmation of the ſame. 3. They were limited and confined to the *Jew*. 4. There was no imparity of power and juriſdiction of the one over the other: both were immediately ſubject to Chriſt. 5. That ſome of the Ancients ſay, the Biſhops ſucceeded the Apoſtles, and Presbyters, the ſeventy Diſciples can hardly be true, or any ways made good. Seeing therefore this miſſion of both was immediate, and for Doctrine, and not for Diſcipline, it cannot reach the power challenged & grounded upon it. The School of *Sorbonne* was of this mind, and ſay, it was a ground of the Hierarchy. But if it was a ground, it was but very infirm, for the Hierarchy was but introduced *jure humano non divino*, as may and will be made evident. Others wave this, and make the inſtitution Apoſtolical; yet in this they differ. For ſome ſay it was from the Apoſtles as Apoſtles, and immediately inſpired, and in this particular, and then it is Divine indeed. Others tell us, it was from them, as acting by an ordinary and

*Hierarch. Jure Humano.*

Eccle-

Eccleſiaſtical power. Again, it may be grounded upon ſome Apoſtolick Precept of Divine, Univerſal, and perpetual Obligation, or upon their Practice and Example. The former, the Convocation at *Oxford* in their Scruples againſt taking the Covenant, dare not affirm; and indeed no ſuch Precept doth appear. Again, the Precepts of the Apoſtles were either General or Special. And if there be not ſome ſpecial divine Precept for this inſtitution, it cannot be of perpetual Obligation, nor neceſſary. *Epiphanius* confuting the Hereſie of *Aerius*, if he be conſiſtent with himſelf, muſt needs be of this mind, becauſe he affirms, that the buſineſſes of the Church, may be fully diſpatched and performed by Presbyters and Deacons without a Biſhop. *Hierome* makes Epiſcopacy an humane Conſtitution, and not Divine. In this, ſome excuſe him: but *Spalatenſis* ſaith, he cannot be excuſed: *Medina* chargeth him, and other of the Fathers with the *Aerian* Hereſie. As for thoſe words of his: *Quid facit Epiſcopus excepta ordinatione, quod non faciat Presbyter*; they may ſeem to reſerve a power of Ordination as proper to the Biſhop; and in this Reſpect, Epiſcopacy may be of a divine Conſtitution. Yet *Marſilius* underſtands by *Ordination*, the conſtitution of the Church, not the ordination of Miniſters. And there is great reaſon to think ſo, becauſe otherwiſe his words

words are directly falſe, and known to be ſo, if meant of Ordination of Presbyters by impoſition of hands: for long before his time, the Biſhops did many things, which a Presbyter could not do: neither could a Biſhop Ordain without Presbyters. If they had this Power to themſelves alone, and that by divine Donation, *Hierome* muſt plainly contradict himſelf. If *Hierome* meant the Hierarchical Epiſcopacy, which then in many places was the only Epiſcopacy, then it's moſt certain, that that was not from God, but man; not from divine, but humane Conſtitution. And the Hierarchical ſubordination, ſeems to be ordained directly to avoid Schiſm, which that learned man ſaith, was the Occaſion of that Epiſcopacy.

Sect. 4. Though it would take up a full Volume, to anſwer in Particular all thoſe who have aſſerted, and endeavoured to prove the Divine right of this Hierarchical Prelate, inveſted with the Power of Ordination and Juriſdiction: and therefore here I might be ſilent, yet, ſeeing the ſubſtance of all the reſt may be read in *Spalatenſis*, therefore I will ſingle him out, and conſider the force of his Reaſons, which are inſiſted upon by others to this day. And here we muſt obſerve,

1. That the Biſhop which he maintaineth is Hierarchical, and one inveſted with the Power of Ordination and Juriſdiction.

2. That

2. That his intention and deſign, is to prove him to be of Divine Inſtitution.

3. To this purpoſe he alledgeth ſeveral Scriptures, and he ſeems to find the fundamental Charter in theſe words of our Saviour: *As my Father ſent me, ſo I ſend you*, &c. *John* 20. 21, 22. Where I will obſerve,

1. His interpretation of the words.

2. His ſuppoſition of imparity between the twelve Apoſtles and ſeventy Diſciples.

3. Examine whether the Texts antecedent or conſequent, or the words themſelves do favour him.

1. Therefore he determines the agreement betwen his Fathers miſſion of him, and his Miſſion of them to be this, * That as his Father gave him power to ordain, and conſtitute them in a ſuperior rank of power and Juriſdiction, and the ſeventy Diſciples of an inferior Order: ſo he gave them Power likewiſe to appoint their ſucceſſors in a twofold rank.

* *De Repub. Eccleſ. lib. 2. c. 3. ſect. 7, 8, 9.*

1. Biſhops with a full Apoſtolical ordinary power.

2. Presbyters, without any ſuch power of Ordination and Juriſdiction, for ſo he means.

2. In this Expoſition, he preſuppoſeth an imparity of power, but very abſurdly. For he gives the Power of Ordination and Juriſdiction to the Biſhops alone, but none at all to the Presbyters. And whereas imparity is a difference only in degrees

degrees, he makes the difference of the Biſhops and Presbyters to be eſſential and ſpecifical. But of this before: and if any deſire to ſee more, let them read the Doctors of *Sorbome* concerning this particular in their tract, *De Eccleſiaſtica & Politica poteſtate.*

Thus you have heard,

1. His Expoſition.
2. His Suppoſition.

Now it follows we enquire, Whether either of them have any warrant, or ſo much as colour from the Context, Antecedent, or Conſequent. The Antecedent favours him not: For *ver.* 19. it's ſaid, not that the Apoſtles, but Diſciples were together: and the Seventy are called Diſciples, and ſome of them might be there, and his words directed to them; and if this be ſo, the very foundation of the argument from this place is raſed. Neither doth the words following help him, but are point-blank againſt him. For *verſes* 22, 23. it's ſaid, *He breathed upon them, and ſaith unto them, Receive ye the Holy Ghoſt, whoſoever ſins ye remit, they are remitted*, &c.

Where, 1. Many by the Holy Ghoſt, underſtand ſpiritual power, or power of and from the Spirit.

2 This power is not a power of Ordination, or Juriſdiction *in foro exteriori*, but a power of Remiſſion and Retention of

of ſins, *in foro interiori & pœnitentiali*, as the Schoolmen and Caſuiſts ſpeak.

3. They remit and retain ſins by the Word and Sacraments. Therefore in the ordination of Presbyters, both in the Pontifical of *Rome* and our Ordination-book, theſe words are uſed, and after them are added with ſome ceremony, this paſſage, *Be thou a faithful diſpenſer of the Word of God, and his holy Sacraments.* And again, the Bible delivered into the hands of the party ordained, *Take thou authority to preach the Word of God, and to adminiſter the Holy Sacraments.*

4. This is the power of the Keys promiſed, *Matthew* 16. 19. which place he himſelf underſtands of Converſion by the Word.

5. This is the eſſential power of a Presbyter, as a Presbyter.

In the third place, as neither the con- Sect. 6.
text, antecedent, nor conſequent help him, ſo neither do the words themſelves. For except the ſimilitude and agreement between his Fathers Miſſion and his be Univerſal and adequate, or ſome ways ſpecifically determined unto this particular imparity of the twelve and ſeventy, and alſo of Biſhops and Presbyters, his Expoſition can never be made good. That it is not Univerſal is evident, and that by his own Confeſſion, who tells us, that the Father ſent Chriſt to redeem, but Chriſt never

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sent the Apostles to do any such thing. *As and So*, are notes of similitude indeed: and therefore his Fathers Mission of him, and his Mission of the Apostles, must agree in something. And so they do, 1. He was sent, so were they. 2. He received the Spirit, so did they. 3. He was sent to preach and do miracles, so were they. 4. His Mission was extraordinary, so was theirs, *Sicut est nota similitudinis*, and (as *a Lapide* saith) may signifie *similitudinem Officii, principii, finis, miraculorum & amoris*; yet none of these can serve his turn: Therefore, saith *Grotius*, and that truly, *Παθὼς aliquam, non omnimodam similitudinem significat. Gerrard* upon the same words, as used by our Saviour, *Joh.* 17. 18. multiplies the analogy, and makes these two missions agree in fifteen particulars: yet he never thought of this. Christ, as he observes, was sent: 1. To redeem. 2. To preach the Gospel; so they were sent not to redeem, but to preach, and did succeed him, not in his sacerdotal, but prophetical Office, by the Word and Sacraments to apply the Redemption, not as Priests to expiate sins. Seeing therefore the analogy is not universal, nor any ways by the Context, antecedent or consequent, or the Text it self determined to this particular, but to another, as is apparent; therefore his Exposition is frivolous, his Supposition false, and the Text no ground of an Hierarchical Episcopacy.

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Yet he proceeds to prove this imparity from examples: 1. * Of *Peter* and *John* sent to *Samaria*, that by imposition of hands, as of Bishops, they whom *Philip* had converted, as a meer Presbyter, might receive the Holy Ghost. 2. From *Barnabas*, sent as a Bishop, as he takes for granted, to *Antioch*, to confirm the believing *Jews*, converted by the dispersed Saints, in that Faith they had received. But will it follow, that *Peter*, and *John*, and *Barnabas* were Bishops invested with the power of ordination and jurisdiction, because they were sent by the Church of *Jerusalem*, not to ordain or make Canons, or censure, but by imposition of hands and prayer, give the Holy Ghost, and confirm the new Converts of *Samaria* and *Antioch*? how irrational and absurd is this? 3. He instanceth in *Timothy*, left by *Paul* at *Ephesus*, and *Titus* left by him at *Creet* to ordain Elders, and order other matters of those Churches, not fully constituted and perfected for Doctrine, Worship and Discipline. But let it be granted, that they had power of Ordination and Jurisdiction; yet 1. It will not follow from hence, that because they had it, therefore Presbyters had it not. Nor 2. That they had it without Presbyters, where Presbyters might be had. Nor 3. That they had it as Bishops, which is the very thing to be proved. 4. The plain truth is, that they had it in those places, and for that time, as commissioned and trusted by the Apostle,

*Sect.* 7.

* Act. 8. 14.

to do many things in that Church, according to the Canons sent them by the Apostles, which they had no power to make themselves. Dr. *Andrews* taking all Apostolical power to be divine; affirms Episcopacy to be a distinct order, and of divine institution, and grounds himself upon the testimony of *Irenæus*, *Tertullian*, *Eusebius*, *Hierome*, *Ambrose*, *Chrysostome*, *Epiphanius*, and *Theodoret*: who all write, that *Ignatius*, *Polycarpus*, *Timothy*, *Titus*, and others were made Bishops, and of a distinct Order above Presbyters by the Apostles themselves. Yet 1. If he mean by Apostolical, whatsoever is done by the Apostles, then many things Apostolical are not Divine, much less of Divine Institution and Obligation. For many things were done by them in matters of the Church by a meer ordinary power. 2. The testimony of all these Fathers is but humane: and according to his own rule cannot be believed, but with an humane and fallible Faith; *Et quod fide divina non credendum, fide divina non agendum.* 3. If he meant, that those had power of Ordination and Jurisdiction as Bishops, he contradicts himself, affirming, that this power of the Keyes, was given immediately by Christ not to *Peter*, not to the Apostles, but to the Church, and the Church had it, to the Church it was ratified, the Church doth exercise it, and transfer it upon one or more, *qui ejus post vel exercendæ vel denunciandæ facultatem habeant*, *Tortura Torti*,

p. 42.

p. 42. So that none can have it, but as delegates of the Church, not as Biſhops or Officers.

The laſt inſtance from Scriptures, is in the Angels of the ſeven Churches of *Aſia*: and he affirms theſe were Biſhops. But *Sect.* 4. 1. So they might be and yet only Presbyters. 2. Suppoſe they were more then Presbyters, and ſuper-intendents at leaſt, it doth not follow they were Hierarchical Biſhops: For if they were, it muſt appear from ſome divine Record, or elſe how can I certainly believe it. 3. Let them be Hierarchical Prelates, yet it muſt be made evident by what warrant and inſtitution, they became ſuch. The inſtitution muſt be grounded, either upon the practiſe or precepts of Chriſt or his Apoſtles: yet all theſe grounds have been formerly examined. But 4. Doth any man think that theſe Letters and Meſſages were ſent only to ſeven Perſons, who were Biſhops? Its evident and clear as the Sun, they were directed to the whole Churches to the Miniſters, which are called by the name of *Angels*, and to the people. For the whole Church of *Epheſus*, of *Smyrna*, and of the reſt is commended, or reproved and charged with divers ſins, and threatned with ſuch puniſhments as muſt fall upon all. After all theſe proofs from Scripture, recourſe is had to Antiquity and Univerſality, as ſufficient grounds of a preſcription, which is a good kind of title. But 1. In divine

things, eſpecially ſuch as are of ordinary and univerſal obligation, Antiquity and Univerſality without a Divine Inſtitution will not ſerve the turn. 2. The Hierarchy preſcribes as much, and as high as Epiſcopacy, inveſted with power of Ordination and Juriſdiction, as proper to it ſelf, yet its confeſſed to be only of humane inſtitution. 3. What is it, how is it defined? What Divine Inſtitution can be made evident of that, which they ſay is ſo univerſal and ancient? 4. Who are the witneſſes, by whoſe teſtimony this Antiquity and Univerſality is proved? They are, beſides ſome of later times, but few, and all within the *Roman* Empire, many of them Biſhops themſelves, and ſome of them bitter Enemies one againſt another. They are not one of an hundred amongſt the Biſhops, not one of a thouſand amongſt others. Yet the Church in the Apoſtles times, was enlarged to the ends of the Earth. And as then, ſo now, there were in every Century thouſands that did never write, or if they did, they wrote not of Epiſcopacy; and many of them might be as great Schollars, as thoſe whoſe books are extant. 5. There was a ſpecial reaſon, why there might be Biſhops and the ſame Hierarchical in the principal parts of the *Roman* Terito-ry, as ſhall be touched hereafter. 6. Suppoſe theſe Biſhops to have the power of Ordination and Juriſdiction, yea, the whole power of the Keyes, which includes

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the Legiſlative in making Canons, can any man prove, that they had it always in all places: and if ſo, that they had it ſeverally in their ſeveral precincts, and not joyntly with their fellow Biſhops, as Repreſentatives in Counſels, and alſo with Presbyters and others too. Its well enough known, that other beſides Biſhops had their ſuffrage in Synods. * *Arles*, Preſident of the Council of *Baſil*, proves ſtoutly that Presbyters have their Votes; and without them he could not have carried the cauſe againſt *Panormitan* and his faction.

* *Ludovicus, Arabenſis.* Lewis, *Arch-Biſhop of* Arles, *Preſident in the Council of* Baſil.

After the primitive and the Hierarchical Epiſcopacy comes in the Engliſh, which hath ſomething ſingular. He that will underſtand the nature of it more fully, muſt read Dr. *Zouch*, Dr. *Mucket*, Dr. *Coſens* the Civilian his Tables, with him (who calls himſelf *Didoclavius*) upon him. By all whom we may underſtand, 1. It was not the primitive Epiſcopacy. 2. It was clearly Hierarchical; for we had Biſhops, and two Arch-Biſhops of *York* and *Canterbury*, the one the Metropolitan of *England*, the other of all *England*. The Biſhops took their Oath of obedience to the Arch-Biſhops, as appeareth by the book of ordination. They did arrogate the power of ordination to themſelves, though Presbyters did in the ordination impoſe hands with them, and ſome of them confeſſed, they had it only with the Presbyter joyntly. Yet we know how that by others is

*Sect.* 8. *Engliſh Biſhops.*

eluded. 3. Not to say any thing of their Titles, Dignity, Revenue, Baronies annexed to their Sea; their place in the house of the Peers in Parliament, and their priviledges, they had cast off in effect, not only the people, but Presbytery. For though the Presbytery had their Clerks, both in the Convocation of *York*, and also at *London*, if the Parliament sat there; yet they took upon them in the end to nominate these Clerks, and deprive the Ministers of their right of Election. As for the Deanes and Chapters, which should have been eminent Persons, and chosen by the Presbytery in every Diocess to represent them, they were degenerate from their original Institution; and the Bishops, who should have done nothing but joyntly with them, did all things without them. They in effect, though unjustly engrossed the whole power of Administration. 4. Yet this is observable: that 1. They could make no Canons but joyntly in one Assembly. 2. That joyntly amongst themselves, without the Presbytery, they had not this power. 3. That no Canons were valid without the Royal Assent. 4. Neither by the Constitution was the Royal Assent sufficient without the Parliament. 5. That they derived much of their Ecclesiastical power from the Crown. For by the Oath of Supremacy is declared, that the King of *England* is over all persons, even in Ecclesiastical causes Supream Governour, In which respect,

*What Dean and Chapters were.*

respect, all their secular Power, Revenue, Dignity, and also their nomination and confirmation with their investiture is from him. He calls Synods, confirms their Canons, grants Commissions to exercise Jurisdiction purely Ecclesiastical. In the first year of King *Edward* the sixth, by a Statute they were bound to use the Kings name, not their own, even in their Citations: and as before, they must correct and punish offenders according to such Authority as they had by the Word of God, and as to them should be committed by the ordinance of this Realm: So, that if the Popish Bishops derive their power from the Pope, and the English from the King, neither of them could be *jure divino*. And by this, the title of most Bishops in *Europe* is meerly humane, and that in two respects: 1. Because its Hierarchial. 2. Derived either from an higher Ecclesiastical or an higher secular power.

*English Bishops not Jure Divino.*

Thus far I have enquired, though briefly and according to my poor ability, into the definition and institution of a Bishop, the subject of the Question, which is this, Whether a Bishop or Bishops be the primary subject of the Keyes? The meaning whereof is, 1. Whether they be the primary and adequate sole subject of the whole power of the Keyes, whereof the principal, though not all the branches, are making Canons, and receiving last appeals, without any provocation from them? For

*Sect.* 9.

they may be ſubjects, and not primary, they may be ſubjects of ſome part, and not of the whole power? 2. Whether they be ſuch ſubjects of this power *in foro exteriori*. For *in foro interiori*, the Presbyters have as much as they. 3. Whether they be ſuch ſubjects of ſuch power *in foro exteriori, quatenus Epiſcopi reduplicative*? 4. Whether as ſuch, they be ſuch a ſubject by Divine Inſtitution? For ſolution hereof, its to be conſidered: 1. That except there be an Univerſal conſent, and the ſame clearly grounded upon Scripture, both what a Biſhop is, and, 2. That made evident, that his Title is of Divine Inſtitution, the affirmative cannot be proved, 2. That though a Biſhop could be clearly proved to have the power of Ordination and Juriſdiction, yet it will not follow from thence, that he is the primary ſubject of that power. For the negative, many things may be ſaid: 1. Neither the papal, nor the Engliſh Biſhop, ſo far as the one derives his power from the Pope, and the other from the Crown, can be the primary ſubject of this power; the ſecondary they may be. 2. For ſuch as derive not their power from Pope or Prince, if they be the primary ſubject, they muſt be ſuch, either ſeverally every one in his ſeveral Dioceſs, or joyntly in a Synod. If ſeverally, then every one is a Monarch in his Dioceſs, and ſo the government of the Church is Monarchical: and every ſeveral Biſhop ſupream and independent.

pendent. And if ſo, where are our Arch-Biſhops, Metropolitans and Patriarchs? And, why do we diſpute againſt the Monarchical Government, and not grant to *Bellarmine* and others, that it is Monarchical in general, though we deny the Pope to be the ſole Monarch. If joyntly in a Synod, or Council provincial, or national of one Nation and ſeveral Provinces, or ſeveral Nations, or general: then they are not ſuch as Biſhops, but either as members of the Synod, or as delegates. If as members of the Synod, and none can be members but Biſhops, as Biſhops; then the government of the Church is purely Ariſtocratical, and then its worſe then a pure Monarchy, where there can be but one Tyrant; whereas, in a pure Ariſtocracy, there are uſually many Tyrants, or at leaſt it proves an Oligarchy. And in this reſpect, neither can a provincial Council be ſubject to a national, nor a national to a general. If as Delegates they have this power, as in general Councils they are, then they cannot be the primary ſubject. And all theſe, if they will make their cauſe good, they muſt prove, which they can never do, that none but Biſhops have right of ſuffrage in Councils. 3. If their title be good it muſt be grounded either upon Scripture, or univerſal and perpetual cuſtom: but from neither of theſe can it be proved, as ſhall appear hereafter. For by Scripture its evident, that the Church was made by Chriſts inſtitution the imme-

immediate and primary subject; and so confessed by Bishops, by many great Schollars, and by general Councils too. The first Church, which was made such a subject, included the Apostles, who, in their ordinary capacity, were but parts and members, though eminent members of the same. 4. If any shall say, that Bishops as Officers of the Church, are the primary subject of this power, that implies a contradiction, because if the power of all Officers, as Officers is derivative, and as the Apostles being Officers of Christ, derived their Apostolical Power from Christ; so if Bishops be Officers of the Church, they derive their Power from the Church, which is the primitive subject.

*Sect.* 10. Though both the Definition, and the Institution of a Bishop be uncertain, and there is no Universal consent in respect of either: yet I think, a constant Superintendent trusted with an Inspection, not only over the People, but the Presbyters within a reasonable Precinct; if he be duly qualified, and rightly chosen, may be lawful, and the place agreeable to Scripture; yet, I do not conceive that this kind of Episcopacy is grounded upon any divine special Precept of Universal Obligation, making it necessary for the being of a Church, or Essential Constitution of Presbyters. Neither is there any Scripture which determines the Form, how such a Bishop, or any other may be made. Yet it may be

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grounded upon general Precepts of Scripture concerning Decency, Unity, Order, and Edification; but ſo, that Order, and Decency may be obſerved by another way, and Unity, and Edification obtained by other means. But there are many in theſe our days, which make Epiſcopacy inveſted with power of Ordination at leaſt, of that neceſſity, that if Miniſters be not ordained by them, they are no Miniſters. They make the being of the Miniſtry, and the power of the Sacraments to depend on them: and they further add, that without a ſucceſſion of theſe Biſhops, we cannot maintain our Miniſtry againſt the Church of *Rome*. But, 1. Where do they find in Scripture any ſpecial Precept of univerſal and perpetual Obligation, which doth determine that impoſition of Hands of the Presbytery, doth eſſentially conſtitute a Presbyter; and that the impoſition of Hands, if it did ſo, was invalid without an Hierarchical Biſhop, or a certain conſtant ſuperintendent with them. And if they will have their Doctrine to ſtand good, ſuch a Precept they muſt produce, which they have not done, which I am confident they cannot do. 2. As for Succeſſion of ſuch Biſhops, after ſo long a time, ſo many Perſecutions, and ſo great Alterations in the Churches of all Nations, its impoſſible to make it clear: *Euſebius* himſelf, doth ſo preface unto his Catalogue of Biſhops, that no rational man

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can so much as yield a probable assent unto him in that particular: But suppose it had been far clearer, yet it could not merit the force of a divine Testimony; it would have been only humane, and could not have been believed but with a probable Faith. Nay, * *Irenæus, Tertullian, Eusebius*, and others, do not agree in the first and immediate Successors of the Apostles, no not of the *Roman* Church. For *Irenæus* makes *Clemens* the third, whom *Tertullian* determines to be the first from the Apostles. Yet they all agree in this, that the Succession of Persons, without Succession of the same Doctrine was nothing. *Tertullian* confesseth, that there were many Churches which could not shew the Succession of Persons, but of Doctrine from the Apostles, and that was sufficient. And the Succession of Persons is so uncertain, that whosoever shall make either the being of a Church, or the Ministry, or the power of the Sacraments depend upon it, shall so offend Christ's little ones, and be guilty of such a scandal, as it were better for him, that a Mill-stone were hanged about his neck, and he cast into the Sea. The power of saving mens Souls depends not upon Succession of Persons according to humane Institutions, but upon the Apostolical Doctrine, accompanied by the divine Spirit. If upon the exercise of their Ministerial Power men are converted, find Comfort in their Doctrine, and the Sacraments, and

* Lib. 3. c. 3, 4. *Tit. de præscript. adversus hæreticos.*

at their end deliver up their Souls unto God their Redeemer, and that with unſpeakable Joy, this is a divine confirmation of their Miniſtry, and the ſame more real and manifeſt than any Perſonal Succeſſion. To maintain the Miniſtry of *England* from their Ordination by Biſhops, and the Biſhops by their Conſecration according to the Canons of the Council of *Carthage*, was a good Argument *ad hominem*; yet it ſhould be made good (as it may be) by far better Arguments, and ſuch as will ſerve the Intereſt of other Proteſtant and reformed Churches, who have ſufficiently proved their Miniſtry legal, and by Experience, through God's Bleſſing upon their Labours, have found it effectual. But ſuppoſe the Succeſſion of our Engliſh Epiſcopacy could be made good ſince the Reformation, it's to little purpoſe, except you can juſtifie the Popiſh Succeſſion up to the time of the Apoſtles, which few will undertake, none (I fear) will perform. Divers reaſons perſwade me to believe they cannot do any thing in this particular to purpoſe, but amongſt the reſt this doth much ſway with me, that there can be no Succeſſion without ſome diſtinct and determinate form of Conſecration and Ordination, and except this form be determined by a ſpecial precept of Scripture, it cannot be of divine Obligation. But any ſuch ſpecial precept, which ſhould preſcribe the diſtinct forms of Conſecration and Ordination we find

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not at all. We have ſome examples of conſtituting Church-Officers by Election, with the impoſition of Hands and Prayer; yet this was common to all, even to Deacons. So that the very forms of making Biſhops and Presbyters, as we find them, both in the Engliſh Book of Ordination, and the Pontifical of *Rome* are meerly Arbitrary, as having no particular ground, but at the beſt only a general Rule in Scripture, which leaves a liberty for ſeveral diſtinct Forms. If any, notwithſtanding all this, out of an high conceit of Epiſcopacy, will refuſe Communion with ſuch Churches, which have no Biſhops, and yet are Orthodox, or will account thoſe no Miniſters, who are ordained by Presbyters without a Biſhop; let ſuch take heed, leaſt they prove guilty of Schiſms. The ſubſtance of all this is, That Biſhops are not the primary ſubject of the power of the Keys.

CHAP.

## CHAP. XII.

### *Whether Presbytery, or Presbyters be the Primary Subject of the Power of the Keyes.*

IN divers parts of *Europe*, where Epiſcopacy hath been aboliſhed, Presbytery did ſucceed; and that (as it is aſſerted by many) upon ſuch grounds as will prove it as pure an Ariſtocracy as that of Epiſcopacy was. The parties indeed have been changed, and inſtead of Biſhops we have Presbyters; and though the former imparity be taken away, yet the form of Government, which is Ariſtocratical, remains. I have formerly heard many complain, that the Biſhops had caſt off the Presbyters: and now ſome do not like it well, that the Presbyters have caſt off the Biſhops, yet both do ſeem to agree to exclude the people, as diſtinct from the Clergy, engroſſing the whole Power to themſelves. Theſe pure Ariſtocratical Forms have for the moſt part proved dangerous, eſpecially in the Church, becauſe they do much incline unto Oligarchy, and uſually degenerate into the ſame. Sect. 1.

But to obſerve ſome Order; I will, 1. Examine what theſe Presbyters are. 2. Whether Sect. 2.

ther these being known, can according to Christ's Institution be the Primary Subject of this power. 3. Add something concerning our English Presbytery. 1. These Presbyters are of two sorts. 1. Some are preaching. 2. Some are not preaching, but only ruling Presbyters or Elders. The former are trusted with the Dispensation of the Word and Sacraments, the latter are not. Both have the same Name, and are Elders, yet differ much in respect of their Ecclesiastical being. Of the preaching Elder, I shall speak more at large in the second Book in the Chapter of Ecclesiastical Officers. This word Elder, we do not find used either in the Old or New Testament in an Ecclesiastical sense, before we read it in the *Acts*: and after that we find it used about fifteen times in that kind of Notion. The first place is *Acts* 11. 30. the last, 1 *Pet.* 5. 1. Except we add that of 2 *John* 1. In many of these places, the word doth signifie a preaching Elder and Minister of the Gospel, and that most clearly and evidently; and if in any place it doth signifie some other Elder, it will be most difficult, if not impossible to define what he should be. Yet this Elder which is presupposed to be distinct from the Minister of the Gospel, is said to be an Officer of the Church; which together with the preaching Presbyter hath power of Jurisdiction in Eccesiastical Causes. To prove that there is such an Elder, and that of Di-

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vine Inſtitution, three places are principally inſiſted upon; and theſe I find diſcuſſed, and expounded. 1. In the *London* Divines. 2. Before them in *Gillaſpec.* 3. Before him in *Gerſome*, *Bucerus*, and they all go one way. The firſt of theſe we read, *Rom.* 12. 8. *He that ruleth with diligence*, that is, let him that ruleth, rule with diligence; where, he that ruleth muſt be a ruling Elder, diſtinct from the preaching. But, 1. The word Προϊσταμενος doth not properly ſignifie a Governour, or Ruler inveſted with power of Command and Juriſdiction, but a prime perſon ſet above, before, over others for inſpection, guidance, and due ordering of Perſons, Things, or Actions. 2. Suppoſe in this place it ſhould ſignifie one inveſted with Juriſdiction; how doth it appear that it is ſuch a Ruler Eccleſiaſtical, as is diſtinct from a preaching Elder? There is nothing in the place to evince it. 3. Seeing a Miniſter of the Goſpel is a Ruler in Diſcipline, as is by themſelves confeſſed, how may it be proved that the perſon here meant is not the preaching Elder, though not as a preaching Elder, but a Paſtor over a Flock? For it muſt ſignifie him alone, or him joyntly with that other kind of Elder. For if both be Rulers, both muſt rule well. 4. It cannot be demonſtrated, that the place ſpeaks of Diſcipline at all. For the place ſpeaks of Gifts, whereof one perſon may have many, and his Duty is to exerciſe them all for the Edification of the Church.

Sect. 3. The second place is, 1 *Cor.* 12. 28. Where the word translated *Governments*, must signifie this Ruling Officer, distinct from the preaching Elder. But first, We find the word Κυβερνήτης taken for to signifie a Pilot, *Acts* 27. 11. and the same word in the Septuagint used in the same signification, *Ezek.* 27. 28, 29. and *Jonah* 1. 6. when the Hebrew word is חבר *Chobel.* In them also I find תחבולות *Tachbuloth* six several times to signifie Counsels or Wisdom, and translated in four of these places Κυβερνήτης, as *Prov.* 1. 5. *c.* 11. 14. *c.* 20. 21. *c.* 24. 6. And though it be true, that Wisdom and Counsel are necessarily required in a good Governour invested with Power, yet always they are essential to a good Counsellor, and without them he cannot give good direction. But 2. If we parallel the 28. 29, 30. *verses*, with the 8. 9, 10. *verse* of the same Chapter, we shall find that Governments signifie such as have the gift of Wisdom. 2. Let Governments be Governours, and the same Ecclesiastical, will it follow that they were ruling Elders distinct from preaching and ruling Elders? Are there none other kind of Governours but these? 3. This place doth not speak of external Government and Discipline, but of the Gifts of the Spirit, given for the good of the Church. And I never knew rational and impartial Scholars ground so great an Office upon so weak a Foundation, and argue from such an obscure place in respect

*Job* 37. 12 *Prov.* *c.* 12. 5.

of this Eldership. Its far from proving any Divine Institution of such an Office, as it doth not so much as imply it.

The third place is, 1 *Tim.* 5. 17. *Let the Elders that rule well, be counted worthy of double honour, especially those who labour in the Word, and Doctrine.* From hence they infer, that there are ruling Elders, which labour in the Word and Doctrine, and others which do not. This presupposeth, that *even* turned especially is taken here partitively. Yet that cannot be proved. For it may be added rather to signifie the reason why, then the persons to whom, as distinct from other ruling Elders, double honour is due. For in the Assembly it was alledged, that the participle in the Original here, as in other places includes the Genus. And then the Sense is, Let the Elders that rule well, be counted worthy of double honour, especially because they labour in the Word and Doctrine, which seems to be the genuine sense: and agrees with that, *Esteem them very highly in Love for their Works sake,* 1 Thes. 5. 13. 2. *Double Honour,* which is Maintenance, is not due to ruling Elders, who preach not the Gospel. For the Lord Ordained, that they which preach the Gospel, should live of the Gospel; they which do, not they which do not preach the Gospel, 1 *Cor.* 9. 14. 3. Suppose it could be proved from this place, that there were ruling Elders distinct from such as preach, How will it

Sect. 4.

appear from hence, what their place was in the Church, and what their Power, and what their Work is. Yet put all these places together, they cannot prove the Divine Institution of such an Office, with the power of Jurisdiction in Causes Ecclesiastical, for we do not find any special precept making this Office universally and perpetually necessary, binding all Christian Churches to observe it.

Sect. 5. But let us suppose such an Officer, the Question is, Whether the Elder with the preaching Presbyters be the *adæquatum subjectum* of the power of the Keyes *infero exteriori*. That they are not the immediate subject, is evident. 1. From the same reason why Bishops are not. For Christ gave the power to the Church, the whole Church, as shall be manifest hereafter; but the Elders are not the whole Church. 2. If they be the primary subject, then they are such as Officers or Representatives; but neither of these ways can they be such a subject. The disjunction is good, except they can give us another consideration, according to which they may have this power in this manner. The *Minor*, which is, that neither as Officers, nor as Representatives can they be the primary subject, is thus proved: 1. Not as Officers. For the power of an Officer, though Universal, as these are but Elders of particular Congregations, is always derivative, and therefore he cannot be the first subject of that power, which is derived

derived from an higher Cauſe. Upon this ground, Mr. *Hooker* takes his advantage againſt Mr. *Rutherford*, and the ſeven diſſenting Brethren againſt the Aſſembly. As for Mr. *Hooker*, he ſeems to take for granted, as he endeavours to prove, that Juriſdiction belongs unto an Officer as an Officer. But this cannot be true, 1. Becauſe there are Officers who have no Jurisdiction, as Cenſors, Sheriffs, Conſtables, and many other in the State, and Deacons in the Church. 2. Suppoſe ſome Officers have Jurisdiction, yet they are not the firſt ſubject of it. 3. He ſuppoſeth, as the Diſſenting Brethren do, that every Officer is fixed in, and related only unto a ſingle Congregation, whereas its evident, and Mr. *Parker* confeſſeth it, that there may be Officers, which joyntly take the charge of ſeveral Congregations both for Worſhip and Diſcipline, as in the *Netherlands*, and this agreeable to the Word of God. Yet even theſe, much more ſuch as are fixed to ſeveral particular Congregations, can have no power out of thoſe Congregations, whereof they take charge, whether ſeverally of one, or joyntly of many. In this reſpect his Argument is good againſt ſuch as affirm, that power of Jurisdiction belongs to Officers as Officers, and in particular to Elders as Elders. Yet both the Aſſembly and Diſſenting Brethren confound, and that in the arguing the power of the Miniſtry, with the power of out-

ward Discipline, which ought not to be done. But the principal thing is, that Officers, as such, cannot be the primary subject of power, for that belongs to them who make them Officers.

Sect. 6. As they cannot have it as Officers, so they cannot have it primarily as Representatives. They may have power as Officers, they may have it as Representatives, yet not in this high manner or degree. For all Representatives derive their power from the Body represented. To clear this point, we must observe, 1. That many several Congregations, which in respect of Worship, are so many several bodies distinct, may associate and become one for Discipline. When they are thus associate, the power is first in the whole, and derived from the whole unto the parts, and from the parts unto the whole; as in a single Congregation, the power is in the whole, and every single Member, even the Officers are subject to the whole, which makes Officers, and gives them their Power. 2. That in this Association of many Congregations, when they Act in a Synod, or Representative, the parties which make up the Representative, do not act as Officers, though they be Officers in the several Congregations but as Representatives. Neither as Representatives of several Congregations, severally considered, but as joyntly united in one body to represent the whole. As in a Parliament many Members are Officers,

yet

yet do not act as Officers, but all joyntly act as one Representative of the whole body. 4. When many Congregations united in one body, for to set up one Independent Judicatory, do act by a Representative, the whole body of these Congregations, not the several Congregations are *Ecclesia prima*, and the Representative, or Synod is the *Ecclesia orta*. 5. That the power of Discipline doth not issue from the power of Teaching and Administration of the Sacraments. For then none but Ministers should have the power of the Keyes, and not any could be joyned with them, because they have their power by Vertue of the Ministerial Office.

Yet the Authors of *Jus Divinum Regiminis Ecclesiastici* do affirm, that the ruling and preaching Elders are the primary subject of this power, and endeavour to prove it, and that by several Arguments; all which may be answered by the very stating of the Question. For they seem to me, for to confound *Ecclesiam constituendam & constitutam*, Officers ordinary and extraordinary; calling immediate and mediate; the Government of the Universal Church, and particular Churches, *forum interius & exterius*; *Statum & exercitium*. Though the matter is clear enough, yet I will examine two of their Arguments. The first is this: Sect. 7.

All those that have Ecclesiastical Power, and the Exercise thereof immediately committed to them from Jesus Christ, are the immediate subject or Receptacle of that Power.

But the Church Guides have Ecclesiastical Power, and the Exercise thereof immediately committed unto them from Jesus Christ.

Therefore they are the immediate Subject, or Receptacle of that Power.

For Answer hereunto, we must understand, 1. What this Power Ecclesiastical in the Question is. 2. What kind of Subject is here meant. 3. What these Church-guides are. 4. What immediate Commission from Christ may be; for that's the *medium* or third Argument. 1. This Ecclesiastical Power is not that Universal and Supream Power which is in Christ; nor the extraordinary Power of extraordinary Officers, as Apostles and others. It's an ordinary Power of a particular Church, and the same as Universal and Independent in respect of such a Church. It's a Power *in foro exteriori* for outward Government. It's a Power supream of making Canons, constituting Officers, and passing Judgment without Appeal, or from which there lies no Appeal. 2. The Question is con-

concerning the Subject of this Power, which Subject may be primary, or secondary; here the primary must be understood. 3. Church-guides, as they understand them, are ruling and preaching Elders. 4. Immediate Commission from Christ is, when Christ immediately gives power to any person, and by that Donation designs him without any act of Man intervening. Thus *Paul* was designed * an Apostle, not of Man, not by Man, but by Jesus Christ; this immediate Commission is extraordinary. These things premised make it evident. 1. That the Terms of the Syllogism are more then three; because the words are so Ambiguous. 2. Suppose the words to be clear, and the terms but three, yet the *Minor* is denied. 1. Because by Church-guides are meant Elders, who are ordinary Officers of particular Congregations, and therefore can have no immediate Commission in proper sense. 2. Though they should be immediately commissioned, as they are not, yet the premises are insufficient to infer the conclusion. Their drift and design is, to prove that they have all their power from Christ alone, and not from the Church. But they must know, that as they have their Office, so they have their Power. They have their Office from the Church immediately, from Christ *mediante Ecclesia.* For they are chosen, tryed, approved by the Church, and so designed to such an Office by the Church, and can ex-

* *Gal.* 1. 1.

exercise the power of Discipline as Officers in no Church, but where they are Officers. Again, the conclusion it self might be granted, if by Ecclesiastical power they meant Official power, and yet nothing to purpose, because the thing in question is not proved, nor so much as mentioned in the conclusion. Yet they endeavour to prove the *Minor* from 2 *Cor.* 10. 8. where the Apostle speaks of the Authority which the Lord had given them. But 1. What Authority was this? Interpreters say, it was Apostolical, and so extraordinary. 2. Whether Apostolical or not, yet it was their Authority to Preach the Gospel, as appears *verse*, 16. This is not the power of Discipline, the thing in question. The rest of the Scriptures alledged to prove the *Minor*, speak either of the power of Officers and power extraordinary, or of the power as Ministers. Only *Matthew* 18. 17, 18. is to be understood of the power of Discipline, yet that place determines the Church, not the Elders to be the primary subject; and this is directly against them, as shall be shewed hereafter.

Sect. 8. A second argument is this:

All those, whose Ecclesiastical Officers for Church-Government under the new Testament, are instituted by Christ before any formal visible Christian Church was gathered or constituted, they are the first and imme-

Immediate ſubject of the power of the Keyes from Jeſus Chriſt.

But the Eccleſiaſtical Offices of Chriſts own Officers were ſo inſtituted.

Therefore they are the firſt ſubject of the Keyes.

*Cap.* 11. *p.* 183. of the ſecond Edition.

*Anſwer.* 1. I find in this Syllogiſm four terms. For in the *Major* according to their own expoſition, the Officers were ſuch, as that not only their Offices were inſtituted, but that at the ſame inſtant made Officers by Chriſt, before any Chriſtian Church had being or exiſtence. Theſe Offices and Officers were extraordinary, *p.* 184. In the *Minor*, they include not only theſe Offices and Officers, but thoſe of future times, which were not extraordinary. 2. If they rectifie the Syllogiſm, and underſtand the *Minor* only of ſuch Officers, as were actually in Office before there was any Chriſtian Church, and then they argue *a ſpecie ad genus*, and infer a general from a particular. 3. How will they prove that ruling Elders, diſtinct from preaching Presbyters, were inſtituted by Chriſt or the Apoſtles, by vertue of a ſpecial precept of univerſal Obligation. 4. The Queſtion is, not of Official Power, either Ordinary or Extraordinary. 5. Upon perusal of the Scriptures alledged to make good this argument, it will appear, they confound Officers and power Extraordinary and Ordinary, the Church

Church *in fieri & facto*, power universal and particular.

Sect. 9. Hitherto I have enquired into the nature of Presbytery, and examined, whether it can be the primary subject of Church-power *in foro exteriori*; it remains I say something of the English Presbytery, which was 1. Intended. 2. Upon the advice of the Assembly modelled. 3. Now in some parts of the Nation practised according to the book of Discipline. For this end we must observe.

1. The Nation was formerly, and of old for civil Government divided into Counties, and the same division now retained for Discipline. For the Parliament thought it not good to follow the division of Provinces and Dioceses. The Knights of the several Counties chose certain Ministers for the Assembly, who with some Members of both Houses give their advice in matters of Doctrine, Worship and Discipline: which was so far effectual as the Parliament should approve. The discipline approved is made probationer for three years, declared and published in nine Ordinances. The first whereof was agreed upon, about *Aug.* 28. 1644, The last, *Aug.* 28. 1646.

2. Before this model could be finished, there was much debate and contention, especially between the dissenting brethren and the Assembly. For though by the Covenant the Discipline ought to be reformed according to the Word of God, and the

the beſt reformed Churches, yet there was not the agreement which ought to have been. For both parties pretended to make the Word of God the Rule; yet ſome thought the government of the Kirk of *Scotland*, ſome that of *New-England* to be the beſt and neareſt to the Word, and moſt conformable to that infallible Rule: So that, though at the inſtance of our Engliſh Commiſſioners, that clauſe (according to the Word of God) was inſerted, yet it proved not effectual to determine the Controverſie, becauſe their judgments were ſo different.

3. In this Model, the firſt work is to make Officers, and determine their power.

4. The firſt Offices were called Tryers, who (upon the diviſion of ſeveral Counties into a certain number of Precincts called Claſſes; which conſiſted of certain ſecular and Eccleſiaſtical perſons, whoſe names were certified to the Parliament) by the Parliament were allowed, and from the Parliament received their power.

5. Theſe were Extraordinary Officers, and their firſt, and chiefeſt work was upon Election, Examination, and Approbation to conſtitute Congregational Elderſhip.

6. Theſe once conſtituted, were inveſted with power; for the exerciſe whereof, the Parliament determines. 1. Their Courts. 2. The parties ſubject to their power.

power. 3. The causes belonging to their Cognisance. 4. The manner of proceeding. 5. The Acts of Jurisdiction.

7. As for their Courts, they 1. Make them to be Congregational, Classical, Provincial, National. 2. Define the number of the persons, how many must be of the Quorum. 3. They subordinate the Inferiour to the Superiour, and all to the Supream, which was the Parliament. 4. They determine the times of their Sessions, which of the Inferiour Courts were more frequent, of the Superiour more seldom. 5. The order of Appeals is from the Inferiour to the Superiour.

8. The parties subject to their Jurisdiction, were all in their several precincts.

9. The Causes were not Civil or Capital, but Ecclesiastical, especially ignorance and scandal.

10. Their manner of proceeding was upon Information, Summons, Confession, Conviction by Witnesses.

11. The Acts of Jurisdiction were Suspention, removal from Office or Sacraments, receiving and restoring. The matter and substance of these Ordinances was enlarged and more distinctly and orderly declared in the Book of Discipline, one thousand six hundred forty eight.

Sect. 10. This Model, though imperfect, had something of the ancient primitive Discipline; in many things was agreeable to the gene-

general rules of Scripture; and if exercised constantly by wise and pious Men might have done much good, especially in preventing ignorance and scandal for time to come. Yet it had many enemies, as the Prelatical and Episcopal party, because it was not a Reformation, but an abolition of Episcopacy. The dissenting Brethren liked it not, because it extended so far beyond the Congregational bounds, took in whole Parishes, did not require a sufficient qualification of the Members, and subordinated Congregations, and Inferiour Assemblies to the Superiour and Greater. The prophane and ignorant were against it, because it called them to account, and required knowledge and a stricter kind of life: and this was a commendation of it. Some approved it not, because it was so like unto, and almost the same with the Kirk Discipline of *Scotland*. Many were offended with it, because of the ruling and lay-Elders, as some call them. Besides, it was set up in the time of the bloody War, and without the Kings consent, who was a great enemy unto it. Neither were the Statutes of the former Discipline repealed. Though some did but assert the *Jus Divinum* of it, yet that was not made so clear as to satisfie many, no not the Parliament it self. Though the Ordinances and the book of Discipline require it to be generally put in practice, yet no man was eligible for an Officer that had not taken the national

onal Covenant, yet that was not generally impoſed or taken: nor could any but a Covenanter have any Vote in the Election. As the inſtitution of it was an Act of the Civil Power in the Parliament without the being, ſo, it reſerved the chiefeſt power unto it ſelf, and to future Parliaments: and it would not truſt the Miniſtery or the Elders with it. And there might be ſeveral reaſons for it: 1. Firſt, after Reformation began, and ever ſince our ſeparation from *Rome*, the Eccleſiaſtical power was reſtored to the Crown. 2. In times of Popery the Church, and eſpecially the Pope and Clergy, had encroached and entred too far upon the Civil Power. 3. The general Aſſemblies of *Scotland* were thought too much independent upon the Crown, and to have too great an influence upon the State. 4. That ſeeing the Church required the aſſiſtance of the State, it was judged neceſſary, that it ſhould ſo far depend upon the State as it required the help of the State. Yet, if the Diſcipline had been the pure and ſimple form inſtituted by Chriſt and his Apoſtles, there had been no cauſe of theſe jealouſies, no need of theſe policies. By all this its evident, that the Presbytery of *England* could not be the primary ſubject of the power of the Keyes, becauſe they received their inſtitution from the Parliament, which reſerved the chiefeſt power unto it ſelf. Its true, that there was ſomething Eccleſiaſtical in it, yet even

that

that depended upon the Civil Power more than upon an Eccleſiaſtical Aſſembly, or repreſentative, though general.

## CHAP. XIII.

*That the Government of the Church is not purely Democratical, but like that of a free State, wherein the Power is in the whole, not in any part, which is the Authors judgement.*

Sect. 1.

THat the power of the Keyes is not primarily in the Pope, nor in the Civil Soveraign; nor in the Prelate; nor in the Presbyter; not in both joyntly as in a pure Ariſtocracy, hath been formerly declared. It remains, we examine the peoples title as diſtinct from that of the Biſhop and the Presbyter, as they are *formaliter & eminenter cives Eccleſiæ*, parts of a Chriſtian Community. The people and number of Believers thus conſidered, are rather *Plebs*, than *Populus*. To underſtand this its to be conſidered that in a Chriſtian Community there are neither *Optimates* properly, not *Plebi*. There may be and are, as you heard before, ſuch as are incompleat and virtual members, as Women, Children and other weak Chriſtians, who are not fit to have

any Vote in the Publick Affairs of the Church, much more unfit to exercise and mannage the power of the Keyes. There are also compleat members, and amongst these some more eminent than the rest. To place the power in the inferiour rank, or to make that party predominant, is to make the government Democratical. And this opinion is not worth the confutation, because its not only disagreeing with plain Scripture, but with the rules of right reason. In this regard they are generally rejected. Some charge *Morellius* and the *Brownists* with this errour, but I have not seen their Books. The Learned *Blondel* may seem to be of this mind, because he placeth the power *in Plebe Ecclesiastica*. But upon due examination, it will be found otherwise. Mr. *Parker*, who asserts the Government in some respect to be Democratical, rejects *Morellius*, yet he himself cannot be altogether excused. For he will have the Government to be mixt, and partly Democratical in the People, partly Aristocratical in the Officers or Governours. He further explains himself, and saith, its *Democraticum quoad Statum* for the Constitution, *Aristocraticum quoad exercitium* for the Administration and Exercise of the Power. * For he distinguisheth between the Power, which is in the whole Church, and the Dispensation or Exercise thereof, which is in the Governours or Officers: who he saith, have not all the power of dispensation, because

* *De polit. Ecclesiastica.* l. 3. c. 7. p. 26.

cauſe the Church reſerves ſo much as is convenient, and belonging to her Dignity, Authority, and Liberty given her of Chriſt. But this is a miſtake in Politicks and the general Rules of Government. For a State is mixt or pure in reſpect of the Conſtitution, not the Adminiſtration: and the Queſtion is not concerning the ſecondary, but the primary ſubject of power, which the Officers deriving the power from the whole Church cannot be, for they have it only at the ſecond hand: as he himſelf confeſſeth. I will not examine his many arguments, becauſe there is none of them *ad idem*, and to the purpoſe or point in hand: and they all and every one, as he miſapplies them, preſuppoſe an errour. For they all ſhould be limited to the Fundamental Power in Conſtitution, but here Power of Conſtitution, and of Adminiſtration are confounded; as alſo the power of the Church with the power of Officers.

After the examination of all theſe Titles, I proceed to deliver mine own judgment, and to make good the Title of my Mother the Church. For I believe this to be the truth in this point, *That the primary ſubject of the Power of the Keyes is the whole Church.* For order ſake I will. 1. Explain the propoſition. 2. Confirm the ſame. In the Explication I will inform the Reader. 1. What I mean by the power of Keyes. 2. What by the whole Church. 3. How, Sect. 2.

and in what manner I understand the whole Church to be the primary subject of this power.

1. This power is not the power of Civil Soveraigns, nor of Officers, as Officers, Civil or Ecclesiastical *in foro exteriori*, or of Ministers, as Ministers, nor the Universal Power of Christ, nor the Extraordinary power of Apostles, or any other Extraordinary Officers, but it is an Ordinary power of making Canons, of constituting Officers, of Jurisdiction and other Acts, which are necessary for the outward Government of an Ecclesiastical Community, committed unto, and conveyed upon the Church by Christ.

2. By the whole Church, is not to be understood the Universal Church militant and triumphant, nor the whole Church mystical, nor the whole Church militant and visible of all times, nor of the visible Church of all Nations, existent in one time, but a whole particular Church visible in some certain place and Vicinity, that shall be fit to manage the power of the Keyes independently: as the Church of *Jerusalem*, of *Antioch*, of *Corinth*, of *Ephesus*, of *Smyrna*, &c. Those, who determine the *Series* or order of appeals to ascend from a Congregation, to a Classis, from a Classis to a Provincial Synod, from a Provincial to a National, of one Nation to a National of several Nations, or from that unto an Oecomenical or General Council,

Council, extend the whole Church far further than I do. As for the Papal party, they presuppose all particular Churches to make but one visible Church, not only for Doctrine and Worship, but for outward Discipline too: and the Church of *Rome* must be the Mother and Queen of all other Churches in the World: yet they differ about the primary subject of the power of the Keyes. Some determine the Pope as *Peters* Successour, to be the visible Head and Universal Monarch of this Church. Others, as the Councils of *Constance* and *Basil*, *Cameracensis*, *Gerson*, and the faculty of *Paris*, give this power to the whole Church to be exercised in general Councils. Mr. *Ellis* doth charge some of our own who affirmed this power to be in the Universal Church with Popery: and Mr. *Hooker* conceives he hath demonstrated Learned and Judicious Mr. *Hudson* to be guilty of the same, but he is mistaken, as since is made evident. These two cannot possibly be reconciled whilest they proceed upon contrary principles. Mr. *Hooker* of *New-England* understands by a visible Church, such a Church as is under a form of external Discipline, and subject unto one independent Judicatory; but neither Mr. *Hudson*, nor others of his mind understand any such thing. There is an Universal visible Militant Church on Earth: this Church is truly *Totum integrale*, and also an Organical body; the Head and Mo-

narch is Christ; all Ministers Officers, all Believers Subjects: the Word and Sacrament priviledges, and every Christian either by Birth or Baptism according to Divine Institution, is first in order of nature a Member of this Universal or Organical Body, before he be a Member of any particular Church or Congregation, and is so to be considered. And many, if not all the places of Scripture alledged by Mr. *Hudson*, are truly understood to speak of this Universal Church: though some of them seem to be affirmed only of the Church mystical, as such, yet so that in divers respects they may agree to both. This cannot be Popery, neither doth it presuppose any point of Popery or other errour. The grand errour of the Papist in this particular, is, to affirm that one Church particular is above all Churches in the World, not only in dignity but in power, so that all particular Churches must be subject unto her, and her Bishop invested with universal Jurisdiction. To subject the Universal Church Militant in one body to Christ, can have no affinity with this. And to subject every particular Church to the Universal, exercising her power in a Representative, is no such errour, nor so dangerous as that of the Soveraignty of *Rome*. And though there be no such thing, because the distance is so great, that the Association is impossible, yet the Pope and his party did abhor to think of it.

it. That Queſtion about viſible and inviſible is but a toy to this. The Church therefore, which is the ſubject of the Queſtion is, a Church, a particular Church, a whole particular Church. Yet there is a particular Church primary and ſecundary: primary is the Church conſidered as a community, and a ſecondary Church by way of Repreſentation. The primary is the proper ſubject of real power, the Repreſentative of perſonal. Whether this Church be Congregational, or of larger extent ſhall be examined hereafter.

3. Thus you have heard. 1. What the power is. 2. What the ſubject is. Now 3. We muſt conſider in what manner this power is in this primary ſubject. Its not in it Monarchically, nor Ariſtocratically, nor Democratically, or any pure way of Diſpoſition, but in the whole, after the manner of a free State or Polity. For there *Univerſi præſunt ſingulis, ſinguli ſubduntur univerſis*, ſo its here. All joyntly and the whole doth rule, every ſeveral perſon, though Officer, though Miniſter, though Biſhop, if there be any ſuch, is ſubject to the whole, and to all joyntly. And in this Model the power is derived from the whole to the parts, not from the parts to the whole, though this Community ſhould conſiſt of ten thouſand Congregations. This power is exerciſed in the higheſt degree by a Repreſentative general, in an inferiour degree by Officers or inferiour Aſ-

semblies: Upon this principle, though in another manner, the Councils of *Basil* and *Constance* did proceed against the Pope, as being but a part, though an eminent part, as the times were then of the Church. Yet this proposition is not so to be understood, as though this Church were the first Fountain and Original of this power, for she is not; she derives and receives it from Christ, as Christ from God. But she is the primary subject in respect of her parts and members.

Sect. 3. For the confirmation of this Proposition, I will, 1. Examine two places alledged by Mr. *Parker* and many others, for to manifest the Original of Church discipline, which I conceive are not so pertinent. 2. I will most of all insist upon the words of Institution. 3. I will enlarge upon those places which speak of the exercise of this power; that from the manner of administration we may understand the constitution. The two places are, *Matthew* 16. 19. and *John* 20. 22, 23. The first is concerning the promise, the second concerning the donation of the power of the Keyes, as they are by many expounded. The words of the promise are these, *I will give unto thee the Keyes of the Kingdom of Heaven*, &c. Many and different are the interpretations of this place, as given by Writers, both Ancient and Modern; Popish and Protestant. The difference is in two things especially. 1. What this power should be. 2. To whom

whom it was to be given. The power with many is the power of Discipline *in foro exteriori*, with others the power of a Minister, as a Minister. 2. The person to whom this power is here promised no doubt is *Peter*; but under what notion *Peter* must be considered, is here the Question. Some will have it to be *Peter* as a Monarch and Prince above the rest of the Apostles, including his Successours, the Monarchical Bishop of *Rome*. Some will have *Peter* here considered as the mouth and representative of the Apostles, and in them, of all Aristocratical Bishops as their Successours. Some will have him to represent the Ministers, some the Elders; some the Church it self. And these again divide, and cannot agree, whether this Church here meant be the Universal Church, or a particular; if Universal, whether Universal mystical, or visible: if visible, whether this be the Church it self, or a Representative of the same; if Representative, whether it must be represented by Bishops only; or by Bishops and Presbyters; or by Presbyters alone; or by Bishops, Presbyters and People. If a particular Church, whether it be Congregational, or Diocesan, or some other: so that from this pronoun *THEE*, we have Chymical extractions of all sorts of Governments, Ecclesiastical, pure and mixt, Monarchical, Aristocratical, Democratical: of all kind of Churches, as Universal, National, Congregati-

gregational: of all kind of Governours, as Popes, Biſhops, Presbyters, the People. Yet I conceive this place is not meant of Diſcipline, but rather of Doctrine. The Church is the Univerſal, againſt which the gates of Hell ſhall not prevail; the Keyes are the Word and Sacraments, accompanied with the power of the Spirit. As building is converſion and edification, ſo binding and looſing admiſſion into, or excluſion out of this Church. The Architect and chief Maſter builder is Chriſt, as he is the principal Agent in binding and looſing. His Servants and co-workers are Apoſtles and Miniſters of the Goſpel, amongſt whom *Peter* was moſt eminent amongſt the *Jews*, *Paul* amongſt the *Gentiles*. For Chriſt uſed *Peter* firſt to convert the *Jews*, *Acts* 2. then to convert the *Gentiles*, *Act.* 10. And *Paul* laboured more abundantly than them all. The binding and looſing in Heaven, was the making of their Miniſtry by the power of the Divine Spirit to be effectual. To this purpoſe D. *Reynolds*, *Spalatenſis*, *Cauſabon*, *Cameron*, *Grotius* with divers of the Ancient, and Mr. *Parker* himſelf, who notwithſtanding applies this, to the power of Diſcipline, intending thereby to prove the power of the Keyes to be Democratically in a Congretional Church. Yet let it be ſuppoſed that *Peter*, as receiving the Keyes, doth repreſent the community of Believers: Or if as ſuch he repreſent them, how will it appear

that

that this Church or community is a ſingle Congregation? Or, if it be ſuch a ſingle Congregation, how will it follow from hence that the power is in this Congregation Democratically? Mr. *Parker* ſhould have conſidered that there is a great difference. 1. Between *Peter*, as profeſſing that Chriſt was the Son of the living God (for as ſuch he was only a Diſciple admitted by Chriſt into his Kingdom) and *Peter* receiving the Keyes (for as ſuch he was above a Diſciple, and hath power to admit others into this Kingdom) not as a Diſciple, but as a Miniſter of the Goſpel.

The place for actual donation and performance of the former promiſe, is ſaid to be that of *John* 20. 22, 23. The words of Chriſt, the Donour, are theſe, *Receive ye the Holy Ghoſt, whoſoever ſins ye remit, they are remitted unto them, and whoſoever ſins ye retain, they are retained.* Theſe have been alledged, as by him, ſo by others to prove. 1. The power of the Keyes *in foro exteriori.* 2. That this power is in the Biſhops alone. 3. That the Prieſts have power upon auricular confeſſion to abſolve: and here they ground their Sacrament of Penance, and their ſacerdotal power *in foro pœnitentiali.* From hence ſome of ours have endeavoured to prove the parity of Apoſtles, and ſo of Biſhops againſt the Popes Supremacy: for here they find the power promiſed only to *Peter* by name, given to all the Apoſtles. For to underſtand theſe words the Sect. 4.

better,

better, we muſt obſerve in them Donation, and in it the Donour, the *Donee*, the Power, the Acts of the Power, the ratification of theſe Acts. The Donour or Perſon giving is Chriſt: the parties receiving this power immediately are Apoſtles, as Extraordinary Servants and Officers: the thing given and received was the Holy Ghoſt, that is, Ability and Authority, Divine and Spiritual, neceſſary and requiſite for the place: the Acts were remitting and retaining, the ſame with binding and looſing, *Mat.* 16. 19. The ratification of theſe Acts, was the making them effectual by the concurrence of the Divine Spirit. For theſe Acts could not be Spiritual and Divine, and ſo powerful upon the Immortal Souls of Men, nor the Apoſtles ſo much as Miniſterial and Inſtrumental Agents in this work without a Divine Power and Confirmation of the Supream Judge, making their Sentence valid and executing the ſame. Hence that ſweeteſt Joy and admirable Comfort of thoſe who are Remitted, and the Terrours and Torments of thoſe that are Condemned. Theſe Acts are performed by the Word and Sacraments, and the Application of the Promiſes or Communications to particular Perſons; which Application is made either more at large to a Multitude at one time, or to ſingle Perſons upon ſome Evidence of their Qualification; and it may be made infallibly ſo far as God ſhall direct infallibly, or fallibly, for want of clear

clear Evidence, in which Case the Sentence must be passed conditionally by Man, though absolutely by God. All this is nothing to external Discipline, or if it should extend so far, the party remitting and retaining are not the Church, but the Officers of the Church, and the Officers of a Church not under a form of outward Government, but under another Consideration. An Ecclesiastical external Common-wealth doth presuppose an Ecclesiastical Community, and the same consisting of Believers, and the same united and associated for Worship and Divine performances tending to Eternal Salvation: and those thus Associated may have Communion in Divine Things and Actions, and their Pastors with their Flocks, before any form of Discipline be introduced or setled, and these Believers may by Word and Sacraments receive Heavenly Comfort, and attain Eternal Life without such Discipline, and before it can be established amongst them, and so I hope it is at this time in this Nation, with many a faithful servant of God, who by the benefit of a good Ministry, with God's Blessing upon their Labours, are truely converted, and continue, and go on in a state of Salvation as happily, as many who are under a form of Government. And here it is to be observed, 1. That though the Apostles were extraordinary Officers infallibly directed by the Holy Ghost, which Christ gave them, yet ordinary Ministers law-

lawfully called and ſucceeding them, if they preach their Doctrine truly, have a promiſe to convert and ſave the Souls of ſinful Men. 2. That the Work of theſe ordinary Miniſters is not only to feed the Flock of Chriſt already gathered, but to convert and gather Sinners unto Chriſt; and this not by the Rod of Diſcipline, but the Word of God, which is the Power of God unto Salvation. 3. This gaining Souls to Chriſt is not the gathering of Churches out of Churches, and Chriſtians out of Chriſtians to make a party of their own, under pretence of a purer Reformation, but it's a far more excellent Work and of another kind, tending directly to an higher end. 4. After a Miniſter becomes a Paſtour of a Flock, and hath relation unto them as his Flock, and they to him as his People, he muſt needs have ſome Power over them, and they muſt be ſubject unto him, and obey him in the Lord, and he hath power to remit Sins; to ſhut and open, and what he doth in this kind, according to his Commiſſion, will be made good in Heaven. Yet theſe Acts of his are not Acts of External Diſcipline, but of his Miniſterial Office, as he is a Servant to Jeſus Chriſt. This I ſpeak not againſt Diſcipline, which if agreeable to the word of God is a great Bleſſing; but againſt all ſuch, who under pretence of this or that form of Church-Government, diſturb the Church, and diſcomfort and diſcourage many

many a precious Saint of God. The end of this is to manifeſt, that theſe places of Scripture, *Mat.* 16. 19. *John* 20. 22, 23. are no grounds whereon to build Church-Government.

Becauſe former places are not ſo pertinent, I proceed in the next place to the Words of Inſtitution of Church-diſcipline, you may read them, *Mat.* 18. 17, 18. Sect. 5.

* *De exteriori foro ibi agitur, Exterioris fori jurisdictio illo, nec alio loco, fundata eſt.* That's the only place for the Inſtitution and no other ſaith Dr. *Andrews*, in that moſt learned and exact piece far above his other Works. To underſtand this place we muſt obſerve, 1. The Parties ſubject to this Tribunal. 2. The Cauſes proper to that Court. 3. In what manner and order Cauſes are brought in and prepared for Judgment. 4. The Judge. 5. The Acts of Judgment upon Evidence of the Cauſe. 6. The Ratification of theſe Acts, and ſo of the Power. 7. How this Ratification is obtained, and the Judgment made effectual. 1. The party ſubject to this Tribunal is a Brother. *If thy Brother offend thee*, verſe 15. This may be explained from 1 *Cor.* 5. 11. *But, now I have written unto you, not to keep company, if any man that is called a brother be a fornicator, or covetous, or an idolater*, &c. There are covetous Perſons and Idolaters of the World, *verſe* 10. and Fornicators and Idolaters which are called Brethren: The former are without, the latter within the * *Tort, Tor. p.* 41.

the Church. The former are subject to the Judgment of God, but not of the Church, the latter are subject to the Judgment of the Church, *Do not thou judge them that are within.* So that the Subjects in this Common-wealth are Brethren, Disciples, such as profess their Faith in Christ.

2. The Causes are Spiritual and Ecclesiastical, and must be considered under that Notion. For it's a Trespass, an Offence committed by a Brother, as a Brother, against a Brother as a Brother; whether it be a wrong against a Brother, or a sin, whereby a Brother is offended, grieved, displeased. For, if a Brother be a Fornicator, or Idolater, *&c.* he must tell the Church and not the State; he must be made as an Heathen or Publican, if he will not hear the Church, this is no Sentence of the State or Civil Judge, it's made good in Heaven, so is not the Judgment of the Civil Magistrate; It must be the Judgment of a Brother as a Brother within the Church, which the Church, as a Church, must judge, and in the name of Christ, not of the Civil Soveraign, and the Party offending must be delivered up to Satan, not to the Sword. Yet one and the same Crime may make a person obnoxious, both to the temporal Sword of the Magistrate, and the spiritual Censure of the Church, and may be justly punishable and punished by both, though some of our English Lawyers have delivered the contrary, who might

might ground their Opinion upon Eccleſiaſtical Supremacy of the King. For tho' the Laws of *England* might determine ſo, yet the Laws of God and Chriſt do not.

3. The manner and order of proceeding, is, 1. Privately to admoniſh; and if that take effect, to proceed no further. 2. If upon this the party will not reform, he muſt be charged, and convinced before two or three Witneſſes; and if he ſhall perſiſt impenitent, then he muſt be convented before the Eccleſiaſtical Tribunal upon Information and Accuſation; and the ſame once made good, and evident, the Cauſe is ripe & prepared for Judgment.

The Judge in the fourth place is the Church; *Tell the Church*, where we muſt know, what this Church is. The word in the Greek is ἐκκλησία, and we find it uſed in the Old Teſtament about ſeventy times by the Septuagint, who ſo often turn the Hebrew קָהָל by that name. Upon peruſal of the places we ſhall find that it ſignifies Aſſemblies, and of many kinds, as good, bad, holy, prophane, greater, leſs, feſtival, civil, military, Eccleſiaſtical and Religious, occaſional, ſtanding, orderly, confuſed, ordinary, extraordinary. It's obſervable, that very ſeldome (ſome ſay but once, as *Pſal.* 26. 5.) it ſignifies a wicked and prophane Society. Sometimes, not often, it's a Military body. But moſt of all by far (a few Texts excepted) it notes an holy and religious Convention or Aſſem- Sect. 6.

Aſſembly. For ſometimes it's a National Polity of *Iſrael* under a ſacred Notion; and very often a religious Aſſembly for Prayer, Faſting, Dedications, renewing their Covenant with God, Praiſes, Thankſgivings, and ſuch like Acts of Worſhip, ſo that the word ſeems to be appropriate unto Religious Aſſemblies; and though it ſignifie other Societies, yet theſe moſt frequently and principally. And this is confirmed from the New Teſtament, where its uſed a hundred and eleven times at leaſt, and in all theſe places ſignifies an Aſſembly or Society Religious, except in *Acts* 19. 32, 39, 41. where it ſignifies both a tumultuous, and alſo an orderly Aſſembly, or Society, or Convention, as a civil Court of Judgment, which ſignification is here applied by our Saviour to a Spiritual Judicatory for Spiritual Cauſes. Though this be a ſpecial ſignification, yet it ſignifies the number and Society of Believers and Diſciples, who profeſs their Faith in Chriſt exhibited, and this is this Church-Chriſtian, and the People of God. Yet it ſignifies this People under ſeveral Notions, as ſometimes the Church of the *Jews*, ſometimes of the *Gentiles*, ſometimes the Univerſal Church, ſometimes particular Churches, ſometimes the Militant Church, either as viſible or myſtical, ſometimes the Church Triumphant, ſometimes a Church before any form of Government be introduced, ſometimes under a form of Government; ſo it's taken and ſuppoſed by our

our Saviour here. *Grotius* his Conceit, that our Saviour in these words alludes to the manner of several Sects & Professions, as of *Pharisees, Sadduces, Essenes*, who had their Rules of Discipline, and their Assemblies and Convention for the practice of them, may be probable. Yet without any such Allusion the place is plain enough from the context and other Scriptures. *Erastus* upon the place is intollerable, and most wofully wrests it; so doth Bishop *Bilson* in his Church-Government, and is point-blank contrary to D. *Andrews*, who in his *Tortura Torti*, doth most accurately examine, interpret, and apply the words, and most effectually from thence confute *Bellarmine*. One may truly say of that Book, as he himself said of *Austin*'s Treatise *De Civitate Dei*, it was *opus palmarum*. For Civil, Common, Canon-Law, Politicks, History, School Learning, the Doctrine of the *Casuists* Divinity, and other Arts, whereof he makes use, it is one of the most learned and accurate of any put forth in our times. By his Exposition of this Text, he utterly overthrows the immediate *Jus Divinum* of Episcopacy in matters of Discipline, and Ecclesiastical Jurisdiction. He plainly and expressly makes the whole Church the primary subject of the Power of the Keys, *in foro exteriori*. Therefore suppose the Bishops were Officers by a Divine Right, as he endeavours to prove (tho' weakly) in his Letters to *Du Moulin*, yet at best they can be but the Churches Dele-

gates, for the exerciſe of that Power. And it is obſervable, that divers of our Champions, when they oppoſe *Bellarmine*'s Monarchical Government of the Church, peremptorily affirm the Power of the Keyes to be in the whole Church, as the moſt effectual way to confute him, yet when they wrote againſt the *Presbyterian*, and the *Antiprelatical* party, they change their Tone, and Tune. But to return unto the words of Inſtitution, 1. The word *Church* here ſignifies an Aſſembly. 2. This Aſſembly is an Aſſembly for Religion. 3. The Religion is Chriſtian. 4. This Aſſembly is under a form of External Government. 5. This Government preſuppoſeth a Community, and Laws and Officers Eccleſiaſtical. Theſe preſuppoſed, it's a juridical Aſſembly, or a Court. 6. Becauſe Courts are Inferiour, Superiour, and Supream, it ſignifies all, eſpecially Supream. 7. It determines no kind of Government but that of a free State, as ſhall more appear hereafter. 8. Chriſt doth not ſay, *Dic Regi*, tell the Prince or State; nor *Dic Petro*, tell *Peter* or the Pope, as though the Government ſhould be Monarchical, either Civil or Eccleſiaſtical; nor *Dic Presbytero*, tell the Elders; nor *Dic Apoſtolis & Epiſcopis aut Archiopiſcopis*, that the Government ſhould be purely Ariſtocratical; nor *Dic Plebi*, that the Government ſhould be purely Democratical; nor *Dic Synodo*, tell the Council general or particular. But it ſaith, tell the

the Church, wherein there may be Biſhops, Presbyters, ſome Eminent Perſons neither Biſhops nor Presbyters: There may be Synods, and all theſe either as Officers, or Repreſentatives of the Church; and we may tell theſe, and theſe may judge, yet they hear and judge by a power derived and delegated from the Church, and the Church by them, as by her Inſtruments, doth exerciſe her Power. As the body ſees by her eye, and hears by the ear, ſo it is in this particular, but ſo, that the ſimilitude doth not run on four feet, nor muſt be ſtretched too far. This being the genuine Senſe favours no Faction, yet admits any kind of Order, which obſerved may reach the main end. For this we muſt know, and take ſpecial notice of, that Chriſt will never ſtand upon Formalities, but requires the thing, which he commands, to be done in an orderly way. Yet it's neceſſary, and his Inſtitution doth tend unto it, to reſerve the chief Power in the whole Body, otherwiſe if any party, as Biſhops, or Presbyters, or any other part of the Church be truſted with the power alone to themſelves, they will ſo engroſs it, as that there will be no means, nor ordinary jurisdiction to reform them. Of this we have plain Experience in the Biſhops of *Rome*, who being truſted at firſt with too much Power, did at length arrogate as their own, and no ways derived from the Church, and ſo refuſed to be

judged. For if the Church once make any party the primary ſubject of this power, then they cannot uſe it to reduce them. Therefore, as it is a point of Wiſdom in any State to reſerve the chief power in the whole Community, and ſingle out the beſt and wiſeſt to exerciſe it, ſo as, if the Truſtees do abuſe their power, they may remove them or reform them; ſo it ſhould be done in the Church. If any begin to challenge either the whole, or the Supream power as Officers, many of theſe, nay the greater part of them may be unworthy or corrupted, and then the Church is brought to ſtraits, and muſt needs ſuffer. Some tell us, that the King of *England* by the firſt Conſtitution was only the Supream and Univerſal Magiſtrate of the Kingdom, truſted with a ſufficient power to govern and adminiſter the State according to the Laws: and his chief work was to ſee the Laws executed. Yet in tract of time they did challenge the power to themſelves as their own, and refuſed to be judged. Yet in this Inſtitution, if *Peter*, if *Paul*, tho' Apoſtles do offend, much more if Patriarchs, Metropolitans, Biſhops, Presbyters, do treſpaſs, we muſt tell, not *Peter*, not *Paul*, not an Apoſtle, not a Biſhop, not any other but the Church. No wit of Men or Angels could have imagined a better way, nor given a better expreſſion to ſettle that which is good and juſt, and prevent all parties and factions, and yet leave a ſuffi-

ſufficient latitude for ſeveral orderly ways to attain the chief end.

The Judge being known, the Judicial Acts of this Judge muſt be enquired into in the fifth place, and theſe are two: the firſt is binding, the ſecond looſing. For all Judgment paſſed upon any perſon is either againſt him, and that is binding, or for him, and that is looſing. The former is called binding, becauſe it more ſtrictly doth bind him to ſuffer that puniſhment, to which he was liable upon the Tranſgreſſion of the Law. There was an Obligation upon him, 1. To Obedience. 2. Upon Diſobedience there follows a Guilt, which is an Obligation, to Puniſhment. 3. Judgment doth continue this Obligation, and makes the Puniſhment unavoidable: The latter is a looſing, becauſe upon ſome condition performed, it frees him from the puniſhment, and the bond of guilt. Of this binding there be ſeveral degrees. For as in a Civil Government, there be ſeveral degrees of puniſhment, according to the ſeveral degrees of the offences, ſo it's in the Church. One of the higheſt puniſhments and degrees of binding, is to make one as an Heathen and a Publican. Theſe words are differently underſtood, and expounded. *Grotius* thinks, that our Saviour in them did not intend Excommunication. Many take it for granted, that to be cenſured and judged an Heathen and Publican, is to be caſt out of the Church and excom-

Sect. 7.

municated. And from these two words *Heathen* and *Publican*, divers, and amongst the rest * *Quinquecclesiensis*, and D. *Andrews* do observe a twofold Excommunication. The one is the greater, and that is to be as an Heathen; the other the less, which is to be as a Publican. The Heathen was out of the Church, the Publican was not. The Heathen might not, the Publican might come into the Temple; the Heathen were strangers to the Common-wealth of the *Israel*, and were *Loammi* the Publican, being a *Jew*, was in the Church, but like a scandalous Brother. Whether this distinction be here intended or no, it's certain, 1. That there are degrees of Ecclesiastical as well as Civil Penalties. 2. That by this being as an Heathen and Publican, is meant an Ecclesiastical not a civil punishment, in matter of Religion. 3. Both were deprived of Ecclesiastical Communion. In the text, *If he will not hear the Church, let him be to thee as an Heathen and a Publican*: Three things are to be observed, 1. The Penalty and the Execution. 2. The Sentence to be Executed. 3. The Crime or Cause. The Execution is to account him as an Heathen and aP ublican, which is not to take away his House, Lands, Goods, Civil Liberty, Life: but to separate from him, and have no Communion with him in matter of Religion and Spiritual Society, and to testifie their dislike of him by shunning his company. 2. The sentence is

* *Vignierius de excommunicatione venatorum.*

is the judgement of the Church, whereupon this Separation and Non-communion is grounded. For, the Church muſt judge and paſs the ſentence, before we can have any ſufficient warrant for refuſal of ſociety. 2. The crime or cauſe muſt be made evident before the Judge paſs Sentence: and it is not only the treſpaſs or offence, but impenitence manifeſted to the Eccleſiaſtical Judge. Not to hear the Church is for the guilty Brother; not to confeſs and reform upon the Churches publick admonition. This puts him in an immediate capacity of condemnation and puniſhment. But more of Eccleſiaſtical cenſures in the ſecond Book.

The Ratification of this ſentence of the Church, which is the ſixth thing, followeth in theſe words, *Whatſoever ye ſhall bind on earth, ſhall be bound in Heaven,* &c. which are added, as *Hillary* ſaith well, *in terrorem metus maximi,* to ſtrike a terrour into the hearts of all ſuch as ſhall make themſelves liable to the cenſures of the Church. Yet they are not only for terrour, but for the ſweeteſt conſolacion of the penitent abſolved by the Church; and ſo alſo for the encouragement of the Church to proceed in Diſcipline againſt the greateſt. For though ſhe hath not the ſword, nor any coactive force to impriſon, fine, baniſh, put to death, and the prophane and worldly wretches do not fear her cenſures, yet her cenſures ſhall be executed from Heaven, Sect. 8.

and

and be more terrible than any puniſhments inflicted by ſword of civil Sovereigns. This Ratification includes two things: 1. That when this judgment is once paſt according to the Rules of Chriſt, the ſupream Judge doth approve and decree it to be irrecoverable. 2. That he will by a Divine and never failing power execute it; ſo that neither can any appeal, or complaint of a nullity make it void, nor any contrary ſtrength or force hinder the execution. In this reſpect, *Hillary* ſaith, its *Judicium immobile*, and cannot be reverſed; *Hierom*, that its corroborated and cannot be infringed. *Tertullian*, that its *Prejudicium ultimi judicii*, and ſtands good, as that ever ſhall.

Sect. 9. The means whereby this Ratification is obtained, and the manner how it is effected, come in the laſt place to be obſerved. The means is their conſent and prayer. For if two of them ſhall agree on earth, as touching any thing that they ſhall ask, it ſhall be done for them by my Father which is in Heaven; which words do ſignifie that they ſhould agree upon the ſentence, and paſs the ſame with prayer. The manner how it comes to paſs to be effected is, that when two or three of them are gathered together in Chriſts name, he will be in the midſt of them, *ver.* 20. For its not to be done in their own name, or by their own power: but they muſt aſſemble and proceed in Chriſts name, and in his name give the definitive ſentence.

Accord-

According to this Law the Apoſtles gave direction in Chriſts name to gather together, and with the power of Jeſus Chriſt to deliver the ſcandalous perſon to Satan, 1 *Cor.* 5. 4. So that Chriſt will be preſent with them, direct them, and aſſiſt them, and the work ſhall be more his, than theirs.

Having 1. Examined two places not pertinent. 2. Enlarged upon the words of the Inſtitution; I will thirdly confirm the propoſition from ſuch places as treat of the exerciſe of this power. 1. Theſe are ſuch as ſpeak of Legiſlation. 2. Of making Officers. 3. Of Juriſdiction. The firſt of Legiſlation and making of Canons concerning matters controverted: As for Canons, concerning things not controverted, we find ſingle Apoſtles (eſpecially *Paul*, and he moſt of all in his firſt Epiſtle to *Timothy*) declaring and delivering them without any other joyned with them. The exerciſe of this Legiſlative power, we find in that famous Synod held at *Jeruſalem*, *Acts* 15. The difference of the interpretations of this text is no leſs than of the former. For ſome queſtion, whether it was a formal Synod, having power to bind, or only an Aſſembly for advice. Some make it, not only a Synod inveſted with a binding force, but judge it to be a moſt excellent pattern for all Synodical Aſſemblies in time to come: yet theſe are not certain, whether it was general in reſpect of all Churches then extant. Sect. 10.

tant. But let it be a Synod, having a binding force, its doubted how the Canons could bind other Churches, who ſent no delegates to repreſent them and Act for them? Whether did they bind, becauſe it was a general Council in ſome conſideration, or becauſe the Apoſtles were in it, and acted as Extraordinary Miniſters of Chriſt inveſted with an Univerſal power over all Churches: or becauſe they were received afterwards in every particular Church: or becauſe the matter was determined in Scripture, and out of it declared to be the mind of God, which ſeems to be implied in theſe words, *It ſeemed good to the Holy Ghoſt and us*, ver. 28. For all Canons ſhould be ſo made as to be clearly grounded upon ſome ſpecial or general precepts of Scripture, which were revealed by the Holy Ghoſt: for they ſhould bind more in reſpect of the matter, and the reaſon upon which they are grounded, than in reſpect of the multitude of Votes. For one good reaſon from the Scriptures is more binding than the conſent of all general Councils in the World. Another *Query* there is, why this Controverſie ſhould be determined at *Jeruſalem*, and not at *Antioch*, or any where elſe: whether it was, becauſe that was the Mother-Church, or becauſe the Apoſtles were there at that time reſident, or becauſe other Churches were not ſo fully conſtituted: or becauſe there might be there repreſentatives from

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all other Churches: or becauſe they, who ſprang the Controverſie at *Antioch*, came from *Jeruſalem*, and pretended the Authority of the Apoſtles, and of that Church; and becauſe it was agreed at *Antioch* to refer the cauſe to the Apoſtles and Elders at *Jeruſalem*? Beſides all theſe, there is another doubt concerning the Members, which did conſtitute this Synod, whether the Apoſtles only, or the Apoſtles with the Elders, or beſides theſe the Brethren as diſtinct from them: or whether if all theſe were of the Synod, the Elders, and Brethren had any deciſive voice or no? But to leave theſe doubts; Its certain out of the Text. 1. That upon a controverſie raiſed at *Antioch* by ſome, who came from *Jeruſalem*, it could not be after much diſputation there ended. 2. That it was agreed that *Paul* and *Barnabas* with others of them ſhould go unto *Jeruſalem*, to the Apoſtles and Elders about this Queſtion. 3. When theſe Delegates came to *Jeruſalem*, they were received of the Church, the Apoſtles and Elders. 4. Upon this, and them acquainted with the controverſie, the Apoſtles and Elders came together to conſider of this matter. 5. In this Aſſembly, after much diſputation, both *Peter* and *James* gave ſtrong reaſons, why Circumciſion and the Ceremonies of the Law ſhould not be impoſed upon the believing *Gentiles*. 6. Upon theſe convincing reaſons it pleaſed the Apoſtles and Elders and the whole Church

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to ſend ſpecial Meſſengers and Letters concerning the definitive ſentence of the Councel unto *Antioch.* 7. The Synodical Letters, were written in the name of the Apoſtles, Elders and Brethren in this ſtile, *It pleaſed us,* and *ſeemed good unto us.* Divers particulars are here obſervable: as 1. That we do not read that *Paul* acted any thing as a Judge in this controverſie joyntly with the reſt of the Synod, and perhaps the reaſon might be, becauſe he was conſidered as a party: for no man, not an Apoſtle ſhould be judge and party in the ſame cauſe. 2. That the Apoſtles did not act as immediately inſpired in this particular, and according to any extraordinary, but an ordinary Eccleſiaſtical power; for there was much diſputation. 3. They did not ſuddenly and inſtantly proceed to vote the matter: but they met to conſider of it, and debated and diſputed much before they determined. 4. The determination was not grounded upon the multitude of Votes, but upon Divine Revelation and Scripture, though not expreſly, yet by way of conſequence, as appears both from the words of *Peter* and of *James.* 5. That which is the principal thing for which this Text is alledged, is this, that the controverſie is not refered to one Apoſtle, as to *Paul* alone, or *Peter* alone, or *James* alone, but to the Apoſtles joyntly: and not to them alone, but to the Elders, nor to them and the Elders alone, but to them with the Brethe-

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ren, and the whole Church. 6. That all theſe gave their conſent; for it pleaſed the Apoſtles and Elders, and the whole Church. If *Peter* alone had been made Judge, then the Pope, if only the Apoſtles, then the Biſhops; if the Elders alone, then the Presbytery; if the Bretheren alone, then the People would have challenged every one ſeverally the Legiſlative power in Synods to themſelves alone. Laſtly, by this we learn upon what occaſion, ſuch great Aſſemblies are requiſite, if not neceſſary; we might add, that they convened by the permiſſion, not commiſſion of the Civil Power.

By this you underſtand, how and by whom the Legiſlative Power was exerciſed. Of the exerciſe of the ſecond branch of power in making Officers we read, *Acts* 1. 15. For, 1. Upon the death of *Judas*, one of the ſacred Colledge of the Apoſtles, a place was void. This was the occaſion. 2. *Peter* conceives, that another muſt be ſurrogated and ſucceed him in that place. 3. In an Aſſembly of an hundred and twenty, as a Chair-man he propoſeth the matter. 4. Acquaints them with the occaſion of a new Election, and lets them underſtand the neceſſity of it, ſaying, There muſt one be Ordained as a Witneſs with us of Chriſt's Reſurrection. The reaſon he concludes from theſe words of *Pſal.* 119. 8. His Office, Charge, or Biſhoprick let another take. By which words Sect. 11.

words God ſignifies and commands that upon the death of *Judas*, another muſt take the Charge with the reſt of the Apoſtles. 5. Upon this the Aſſembly proceeds without any *Conge-diſler*, or Lience from any other, to the Election, and propoſe two, *Juſtus* and *Matthias*, both well qualified, and in that equality, that they knew not whether to prefer. 6. Becauſe they could not determine whether was the fitter, nor upon a Determination give a Commiſſion to make an Apoſtle; therefore by prayer and lot they refer and commit the cauſe to God, who chuſeth *Matthias*. In this Election divers things are conſiderable, 1. That if *Matthias* and *Juſtus* were of the number of the ſeventy Diſciples, as it's very probable, if not certain, there was an imparity between the twelve Apoſtles and ſeventy Diſciples in reſpect of their place; yet what this imparity was, and whether it ſhould continue in the ordinary Officers of the Church ſucceeding them, is not here expreſſed. 2. That the Election of the higheſt Officer in the Church, even of an Apoſtle was committed to this Aſſembly, as fit to judge of his Qualifications. 3. That none ſhould take upon them to elect a Miniſter or Officer of the Church, who is not able to judge of his fitneſs for the place. 4. That God gives none any power to elect or ordain, and conſtitute any a Miniſter, Officer, or Repreſentative

tive of the Church, who is not duly qualified for to do the work of the place, for which he was elected. *Justus* and *Matthias* muſt be able with the Apoſtles to bear witneſs of the Reſurrection of Chriſt. 5. The principal thing for the point in hand to be obſerved, is, that neither *Peter*, nor any of the eleven, do take upon them to elect or deſign any perſon, or perſons by themſelves alone, but commit it to the whole Aſſembly: and the whole Aſſembly elected, prayed, caſt loſts. 6. That though theſe perſons very eminent and full of the Spirit, could and might deſign the perſons, but not give the power of Apoſtleſhip. To this Head belongs the conſtitution of Decons, *Acts* 6. Where we read of the occaſion, and in ſome ſort of the neceſſity of this Office. For 1. The Apoſtles knew there was a kind of neceſſity of ſuch an Officer as a Deacon, and it was no ways fit to diſtract themſelves in ſerving of tables, and neglect the great buſineſs of word and prayer. 2. That they call the multitude together. 3. They propoſe the matter unto them, and ſignifie what manner of perſons Deacons ſhould be, and commit the election of perſons amongſt them rightly qualified to them. 4. They elect perſons fit for the place. 5. They preſent theſe perſons. 6. The Apoſtles pray and lay hands on them. Whether they uſed any form of words in this impoſition of Hands we do not read.

The thing principally to be considered in this business, is, that the Apostles themselves alone do not take upon them to chuse and constitute these Deacons. To this may be added, that *Paul* doth not take upon him to send the charity and benevolence of the *Corinthians*, collected for the poor Saints at *Jerusalem*, but refers it to themselves, to approve by Letters such as they would use as their Messengers, 1 *Cor.* 16. 3.

Sect. 12. The third branch of the power of the Keyes is, that of Jurisdiction, which we find exercised in the Church of *Corinth*, or rather a command of the Apostles binding them, as having that power to exercise it, reproving them in that they had not done it already in a particular case, and giving directions how it should be done. Out of the Apostles directions, 1 *Cor.* 5. we might pick a model of Church-government: for there we have an Ecclesiastical community under a form of Government, and that is the whole Church of *Corinth*. 2. We have the members of this community, and they are the sanctified in Christ Jesus, and such are called to be Saints. 3. We have the relation of these one to another, they are Brethren, yet every particular brother subject to the whole Church. 4. We have the power of Jurisdiction, and the same in the whole body. 5. We have the power of Excommunication, and by consequence of absolution and other Ecclesiastical censures, and these in the whole Church, which

which is reproved, because they do not exercise it upon so great an occasion, and for so great a cause. They are commanded to purge out the old leaven, and to cast out and put from amongst them that wicked person, because they had power to judge. 6. The persons subject to this Jurisdiction, is every one that is a brother of that Church. 7. We have the causes, which make these persons and brethren of that Church, liable to censure, and they are scandals, whereof we have a catalogue, whereby we may understand by analogy others not expressed. 8. We have the form of the sentence of Excommunication, which must be solemnly passed in a publick Assembly convened, proceeding and passing Judgement in the Name of Christ. 9. In this Judgement we have the Apostle passing and giving his vote by Writing with the rest of that Church. 10. We find that neither the Apostle, nor they can judge them that are without, but they are reserved to Gods Judgement. 11. We have the end of Excommunication which here is twofold: 1. In respect of the party Excommunicated. 2. Of the Church and his fellow-members. In respect of the person Excommunicated, the destruction of the Flesh by some punishment for a time, that the spirit may be saved in the day of the Lord. In respect of the Body of the Church, the preservation of the same from infection of the old leaven

of malice and wickedneſs, that ſo, not only ſingle perſons, but the whole Society may be continued pure. This is the rule of Excommunication; the rules of abſolution we find, 2 *Cor.* 2. where we may obſerve, firſt the perſon capable of it; and it is ſuch an one, as having been puniſhed by many, and the puniſhment proves ſufficient, becauſe by it he is grieved, humbled for his ſin, in danger to be ſwallowed up with over much ſorrow, and by Satan to be tempted to deſpair: in a word, when the party is penitent, and he appears really to be ſo. 2. The nature of Abſolution, which is to forgive, and confirm our love unto him. 3. This ſentence of Remiſſion and Reconciliation muſt be pronounced in the Perſon of Chriſt. 4. The Perſons who muſt paſs this Sentence and ſee it executed, are the ſame who Excommunicated him: who here were *Paul* and the Church of *Corinth.* 5. The end of this Act of Judgement, which is to comfort and reſtore the party Penitent; yet in this you muſt conceive all this is to be done in an orderly, and not in a confuſed and tumultuous manner both for the Time, the Place, the Order of Proceeding, and the Perſons who manage the Buſineſs, and denounce the Sentence. For theſe things muſt be committed to ſome eminent Perſons, who are fit for ſuch a work. For though all muſt agree, yet ſome muſt exerciſe the Power in the Perſon of the Church. We might further

further Inſtance in the ſeven Churches of *Aſia*. For *Epheſus*, though reproved for her falling from her firſt love, yet is commended for her ſeverity againſt the *Nicolaitans*, *Rev.* 2. 6. The Church of *Pergamos* is blamed for ſuffering ſuch amongſt them as taught the Doctrine of *Baalam*, and the *Nicolaitans*: ſo is the Church of *Thyatira*, becauſe ſhe ſuffered that woman *Jezabel*, who called her ſelf a Propheteſs, to teach and ſeduce Chriſts Servants to commit Fornication, and to eat things Sacrificed to Idols. This was the remiſneſs of Diſcipline and neglect of the exerciſe of the Eccleſiaſtical Juriſdiction; wherewith not only (though perhaps principally) the Angels but the whole Churches are charged.

The total Summ of all theſe particulars is this: That the Primary Subject of the Power of the Keyes, is the whole Church: Sect. 13. *The Church the Subject of the Keyes.*

This appears,

From the
- Inſtitution acording to which we muſt
  1. Tell the Church.
  2. The Church muſt bind and looſe.
  3. Her Judgment ſhall be ratified in Heaven.
- Exerciſe thereof in
  - Legiſlation.
  - Conſtitution of Officers.
  - Juriſdiction.

  by the whole Church.

If any ſhall ſay, that the power is in the

Apoſtles or Biſhops, or Superintendants lawfully conſtituted, its true: if that its in the Presbyters, its ſo: if that its in the Brethren or People, it cannot be denied. Yet if any will argue from theſe places, that its in the Biſhops alone, or in the Presbyters alone; or in the Brethren alone; or in the Officers or Repreſentatives of the whole Church primarily, it cannot be true. If any ſay its in the whole Church primarily, in the Officers and Repreſentatives ſecondarily for Exerciſe, that's the undoubted Truth, and muſt needs be granted. In all the former examples of the exerciſe of this power, its very remarkable, and ſpecially to be noted, that where there was a Church, with which the Apoſtles (who were far, and very far above all others who did ſucceed them) might act, they would not act alone, but joyntly with the Elders, Multitude, Brethren; and the reaſons hereof are obvious. 1. Becauſe they would follow and obſerve Chriſts Inſtitution. 2. Give example for future times. 3. They know that, as they, when their Faith was weak, did ſtrive amongſt themſelves for priority and ſuperiority, ſo there would many come after them, who would contend what perſon, or perſons, or party ſhould be greateſt. Yet notwithſtanding all this its certain, that where the Government of a Church is not regular, or a form of Diſcipline is not ſetled, God in his infinite mercy ſupplies theſe defects by an

an Orthodox, Pious, Faithful, Painful Miniſtry, which is the Fundamental Office of Chriſt, and the means of Converſion and Salvation of Mens Souls. And though we have certain clear Rules for the generals and neceſſaries of Diſcipline; yet, as in extraordinary caſes the Apoſtles did not obſerve them: ſo neither in the like caſes are we ſtrictly bound to do otherwiſe. If any deſire the Teſtimony of former times and the practice of Ancient days, Fathers, Councils, Hiſtories might be alledged, as they have been by many Learned Men of Latter times; but of any one Perſon *Blondel* hath done moſt. Dr. *Andrews* is punctual and peremptory in this right diſpoſal of this power in the proper ſubject. For, after that he had ſpoken firſt of the Inſtitution, then of the Exerciſe, he thus concludes, and that moſt pithily, *Res ipſa, rei ipſius promiſſio, ratihabitio, uſus deniq; Eccleſiæ datur, ab Eccleſia habetur & confertur in ſive unum, ſive plures, qui ejus poſt vel exercenda vel denunciandæ facultatem habeant.* For this alſo he alledgeth the Council of *Conſtance*, *Cameracenſis*, *Cuſanus*, *Gerſom*, and the School of *Sorbone*. *Tortura Torti*, pag. 42. The Congregational party muſt needs acknowledge this in general. For this is it which Mr. *Parker*, which Mr. *Hooker* of *New-England* go about to prove; but their way is certainly too Democratical, though Mr. *Parker* grants, that their Government in reſpect of the Exerciſe is

*As in the Fundamental Office of Chriſt.*

Ariſtocratical: yet that expreſſion is no ways good. For if in proper ſence any State Eccleſiaſtical or Civil, be Ariſtocratical, then the Optimates, or ſuch as anſwer unto them muſt needs be the primary Subject, and the reſt, even Officers, are Subjects, and derive their power from the Ariſtocratical party. But perhaps he means, that the whole Church, which he conſiders as Democratical, ſingles out the beſt and fitteſt to be Governors, and truſts them with the exerciſe of the power, and from them the Government is denominated Ariſtocratical. But in this ſence all States ſhould be Ariſtocratical.

Sect. 14. For the more full and perfect underſtanding of this Government and Diſcipline Eccleſiaſtical, we muſt know and remember it, 1. That there are certain general Rules of Government, which God himſelf obſerves in his Government, both temporal and ſpiritual of the World, and eſpecially in the ordering of Men and Angels. 2. Theſe general Rules are obſerved by all well ordered States in the World, and in the Conſtitution and Adminiſtration of them we may eaſily find them, and without them we cannot well or fully underſtand their Model. 3. All thoſe are found in many places of the Scriptures, neither without them can the Scriptures be well underſtood. 4. Beſides the fundamental and eſſential Rules of Government, there are many Accidentals, according

ing to which all particular Polities may differ one from another. 5. Church-Government, as here handled, is nothing else but the application of these general and essential Rules to a particular Community and Society of Christians, whereby they may be continued in Unity, Piety, and Peace, and mutually further one another in the Way to Heaven. 6. These ends may be attained by a faithful godly diligent Ministry, without any form of outward Discipline. 7. Yet a form of Discipline established will much further, help and strengthen the Ministery in this Work, and effectually conduce to the attaining of these ends, keep Christian Societies closer together, and make them far more permanent, firm and powerful. 8. Every Christian in any Society Ecclesiastical is bound by his very Baptism, without any further Federation, to submit unto these general and essential Rules once applied. 9. That in erecting a Church-discipline, there must be a special care taken of two things chiefly: 1. Of the Constitution, that it be agreeable, especially in essentials, to Christ's Institution, otherwise men may refuse, and that justly to submit unto it. 2. Of the Administration that it be committed to the wisest and the best, who are most fit to manage it. 10. Because many of the Ministers are not qualified for this business, and there are many, no Ministers of eminent piety, learning

*Church-government what.*

ing and wiſdom, I ſee no reaſon why onely the Clergy or Miniſtery, and every one of that Profeſſion, ſhould alone be truſted with the power of Adminiſtration, and theſe eminent perſons excluded. Where do we find the Spirit promiſed only unto Miniſters and Biſhops? Do we not know, and by experience, that excellent Gifts, and amongſt others the Spirit of Wiſdom and Government are given to others, as well as to ſome of them? Nay, how many unworthy and unfit perſons do we find entred into the Miniſtery? And with us, beſides others, the cauſes thereof are, becauſe Preſentations and Admiſſions are granted for carnal relations, favour, gifts, good turns; and alſo becauſe that Pariſhes are not fitly united and divided, and the maintenance in many places of great charge is very poor. Otherwiſe I know no reaſon why the Congregational Party ſhould ſo much exclaim againſt Pariſhes. For the work of Miniſters is not only to edifie Believers, but alſo to endeavour the converſion of Heathens and Publicans, eſpecially in their particular Aſſignations. For, if theſe diviſion parochal were duly made, Pariſhes might be very fit Aſſignations for the work and maintenance of the ſeveral Miniſters, and the ſame agreeable to the general Rule of Decency and Order. 11. In the Conſtitution and Adminiſtration of particular Churches, neither the practiſe of Chriſt nor his Apoſtles,

poſtles, much leſs of the Primitives times can be any binding Rule. For 1. Chriſt and the Apoſtles did many extraordinary things, which we neither may, nor can do. 2. Divine Precepts, either general or ſpecial, are the only Rule which we are bound to follow. 3. They did many things as the preſent times, and the condition of perſons and places required, which may not be done by us or any other, except we have the ſame power, and in the like caſe. 12. In the Conſtitution of a Church, or in the Reformation of the ſame, much and dangerouſly corrupted, many things may be lawfully done, which under a well-ſetled Government will prove very unlawful. For though, where there is no outward form of ordinary Vocation and Ordination eſtabliſhed, that which *Volkelius* maintains againſt *Swinglius*, for one that is *vitæ inculpatæ & idoneus ad docendum*, to take upon him the charge of a Miniſter, and do Chriſt what ſervice he is able, may be lawful. Yet to do ſo, where there is an Eutaxie in a ſetled Church muſt be unjuſt, becauſe amongſt other things, ſuch an one ſhall trangreſs the Rule of Decency and Order. 14. Though Chriſt and his Apoſtles did deliver unto us all the eſſential and fundamental Rules of Church-Government, and we find them in the Scripture, yet many accidentals were left to ſanctied reaſon to be directed to the gene-

general Rules. And in this reſpect, we muſt make uſe of our Chriſtian prudence, both in modelling and reforming of Chriſtian Churches. But if we ſtand upon theſe Rules of prudence in accidentals and circumſtantials, as of Divine Inſtitution and Obligation, we cannot be excuſed. 15. Though there may be ſeveral orderly ways and means to attain the chief end of Church-diſcipline, yet thoſe are the beſt, which moſt obſerve the eſſentials of Government, and the general Rules, and are moſt effectually conducing to that end. 16. Seeing therefore there may be ſeveral and different means in reſpect of accidentals, and they ſeverally may attain and reach the end, it's the duty of us all, 1. To unite our ſelves in the bond of Charity. 2. Obſerve the fundamental and eſſential Rules of Government, which are clearly known. 3. With a meek, humble and pure heart ſeek out ſuch particulars, as are not yet made clear unto us, and wherein we may differ for the preſent, till at length we may ſatisfie one another.

CHAP.

## CHAP. XIV.

### *Of the extent of a Particular Church.*

AFter the examination of the ſeveral Titles of ſuch as challenge the ſupream Power of the Keys, and the declaration of mine own Judgment, the third thing propoſed was the Extent of a particular Church. That there is a ſupream power of the Keys; that there is a primary ſubject of this power, that this power is in the Church; that it's diſpoſed in this Church in a certain order and manner in one or more, purely or mixtly, few, if any, will deny. But that it is diſpoſed in the whole Church, after the manner of a free State, ſo that every particular Chriſtian Community, is the primary ſubject of it, is not ſo eaſily granted, though I conceive it, as many other worthy and excellent men do, to be truth delivered unto us by Chriſt and his Apoſtles. Yet let this be agreed upon, yet there is another difference concerning the bounds and extent of this Church. This is not the proper place, I confeſs, to handle this particular. For extent preſuppoſeth a Church conſtituted and in being, and it's an accident of the ſame: therefore *pars ſubdita*, which is the ſecond integral part, as Sect. 1.

of

of a State, ſo of a Church, ſhould firſt have been ſpoken of. In this point I find a threefold difference: for ſome extend this Church, which is the primary ſubject of the power of the Keys, very far, and make it to be the univerſal Church of all Nations: Others confine it to be a ſingle Congregation: A third party will admit of a Dioceſs, or a Province, or a Nation, and be contented to ſtay there. This Queſtion, if we underſtand it, preſuppoſeth Union and Communion. There is an Union and alſo a Communion in Profeſſion and Worſhip, an Union Myſtical, an Union in Government external, which we call Diſcipline. An Union in Profeſſion and Worſhip there is and ought to be of all Orthodox Chriſtians in the World. For they all profeſs the ſame Faith, and worſhip the ſame God in Chriſt, hear the ſame Word, celebrate the ſame Sacraments. It's true, they do not, neither can they ſo meet in one place, as to partake of the ſame individual Ordinances; for there is no neceſſity of any ſuch thing. Yet, whoſoever ſhall refuſe to joyn in the ſame individual Worſhip of the ſame God in Chriſt, according to the Goſpel, when it may be done, as when one converſeth with Chriſtians in ſome remote parts, he cannot be free from Schiſm. For all refuſal of Communion with Chriſt's Saints and Servants, without juſt and ſufficient cauſe is a Schiſm. So if

*Who guilty of Schiſm.*

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any party or persons shal not admit of other Christians only upon this account, because they agree not with them in some accidentals, which are neither necessary, nor in themselves considered, conducing to Salvation, they must needs be Schismaticks. For any Separation, which hath not sufficient and evident warrant from some Divine Precept, is unlawful. There is a mystical Union of all true Believers; for, there is *one body, one spirit, one hope of calling, one Lord, one faith, one baptism, one God and Father of all, who is above all, through all, in all*, Ephes. 4. 4, 5, 6. There is an Union for Government external, of this the question is to be understood. And this Union is so necessary in every Common-wealth, whether Civil or Ecclesiastical, that it's no Common-wealth, if it be not one, and so one, that every particular person, especially in a Church, be subject to one and the same supream independent Judicatory. Concerning the universal Extent there are, as you heard before, two Opinions: They first make one Church, the Church of *Rome*, to have power over all other Churches, and invests the Bishop of that Church with an universal power of Legislation and Jurisdiction, this is a Popish Errour indeed. The second Opinion subjects all particular Churches to the universal, whereof they are but parts: this is no Popery, nor do the present Popes and Church of *Rome* like

*Who Schismaticks.*

like it. This universal Church cannot act but by a general Representative, and such a general Representative there yet never was, since the Church was enlarged from Sea to Sea, and from the River unto the World's end. Such a general Council and Court either standing, or occasional, few, I think, do expect. As for the Councils of *Nice*, *Chalcedon*, *Ephesus*, *Constantinople*, they were no such Councils, nor general in proper sence; they were confined within the *Roman* Empire; and, if well examined, they left out several parts of that too. The meaning therefore of some, who submit particular Churches to the universal, is this: That so many several parts and particular Churches, as can combine in one Synod, may in some extraordinary cases, and difficulties, especially if they be of general concernment, submit unto such a Synod, as being of greater authority and ability, if rightly constituted. Yet, if these particular Churches have their proper independent Judicatories, this submission is but a voluntary act, and rather like a Reference or Transaction, than any Appeal. When, and in what cases such References are fit to be made, I will not here enquire. Besides these Universalists, if we may so call them, who extend the bounds of this Church too far, there are others who confine it to a too narrow compass, as many do conceive; they

they determine it to be a Congregation: Of this judgment was Mr. *Parker*, a learned man in the Raign of King *James*; in our times the diſſenting Brethren, and their party, which follow their Principles, and put them in practiſe to this day. They were called the diſſenting Brethren, becauſe in the Aſſembly of Divines for Advice, they diſſented from the *Presbyterian* party: Afterward, they were called *Congregationals*, becauſe they confined the Church to a Congregation; and *Independents*, becauſe in their ſingle Congregations they erected an independent Judicatory, and challenged an independent power of the Keys, as due by the Inſtitution of Chriſt, to every ſingle Congregation gathered by them. But let their names be what they will, and the reaſon of their names what they ſhall pleaſe, lets conſider the thing it ſelf. And before the Queſtion can be diſcuſſed to purpoſe, we muſt enquire, 1. What their Congregation is. 2. How they are gathered. 3. Whether this narrow compaſs be grounded upon Scripture or no? For the nature of a Congregation, as they ſeem to take it, Mr. *Parker* gives in a clear account. For with him, 1. A Congregation is a Multitude of Chriſtians, which may ordinarily and conveniently aſſemble in one place to communicate in the Ordinances of God. 2. He confeſſeth that the Eſſence thereof doth not conſiſt in the

act of assembling: for then upon every dissolution and parting of the Company assembled, it would cease to be a Church. Yet Mr. *Hooker* prevents this caution as needless, for he makes those, whom Mr. *Parker* calls Christians, and himself visible Saints, to be the matter and confederation, either explicit or implicit to be the form: and this federation ties them together, not only when they assemble, but at other times too. This is that which Mr. *Parker* calls Union by Convention. Yet, 3. He adds, that though they ought to be no more numerous, than may ordinarily assemble in one place, yet they may and sometimes do meet severally, and have several Ministers, who severally officiate in several Assemblies, and take charge of the whole Church in common. But 4. They have but one Consistory. He instanceth for this last in the *German* Churches, and the Cities of *Holland*, *Polit. Eccles. lib. 3. sect.* 1. 2. Whether this be the notion of a Church with the present Congregational party or no, I know not. I have much desired to have seen something, wherein all that party agrees in, made publick, to satisfie such as desire to know their minds. By this Definition, they exclude Parishes or parochial Churches, which are united under one Minister; Diocesan Churches united under one Bishop; Provincial Churches united under one Arch-bishop and Metropolitan.

tan: Yet both of them Mr. *Parker*, and Mr. *Hooker* might eaſily have known, 1. That neither the Parochial, nor Diceſan, nor Provincial Church was accounted the primary ſubject of the power of the Keys, as they affirm their Congregation to be. 2. That a Pariſh is not now, nor with underſtanding men ever was taken for a Congregation Chriſtian, as a Pariſh in a civil notion. For therein may be *Heathens*, *Jews*, *Mahumetans*, *Schiſmaticks*, *Hereticks*, *Apoſtates*. But, it's called a Church or Congregation Eccleſiaſtical in reſpect of the Miniſter, and thoſe Chriſtians of that Precinct, who ordinarily aſſemble to perform the acts of Divine Worſhip. 3. If the name Church may be given to a few Chriſtians in one Family and Houſe, as it is, *Philem.* 2. *Col.* 4. 15. I know no reaſon but it may be given to a number and ſociety of Chriſtians in one Pariſh; where, by reaſon of Vicinity and Co-habitation, they may ordinarily and conveniently meet together for divine Service, which ſome of their Congregations cannot do.

*Pariſh no Congregation Chriſtian.*

*What Church the primary ſubject of the Keys.*

The manner of gathering theſe Congregations is not in the ſame Vicinity, or elſewhere to convert Heathens, or Jews, or Mahumetans, or Papiſts to make them Chriſtians. Though no doubt ſome of them, being pious and learned men, if providence give them occaſion, would indeavour to do it. But they gather Chriſtians,

Sect. 2.

ſtians, Proteſtant Chriſtians from amongſt Chriſtians, and ſuch as they find fitted to their own hand without any pains of theirs, but by the ſweat, and labour, and care, and prayers of ſome other faithful Paſtours and Miniſters of Chriſt, under whoſe hands they formerly have been, to whoſe charge they have been committed, and under whoſe Miniſtery God hath proſpered them. Theſe amongſt others, they either perſwade to be of their Congregations, or if they offer themſelves voluntarily, they admit them, and this to the great grief of their own faithful Paſtours. When they accept of theſe, they neither teach them any new Article of Faith, which formerly they profeſſed not; nor preſs upon them any new Duty according to the Commandments of Chriſt, which is either neceſſary or conducing to Salvation. There is no eſſential of Chriſtianity which they can ſuperadd to what they had before: Only, if ceaſing to be Epiſcopal, or Presbyterian, or Parochial, they are willing to confederate with them, to walk after their manner, and be of their party, they are willing to receive them. If this be their manner of gathering Churches, as it's well known it is with ſome, I dare ſay they have no Example, much leſs any Precept in the Scripture for it. They admit indeed of ſome, which are very unworthy, and ſuch as many *Presbyterians* would not accept, with

with hope that upon their ſolemn covenanting they will prove better. I do not write this out of partiality, or prejudice; for ſome of that party are my ſpecial Friends, and I dearly love them; ſome are pious, prudent, and learned, and I honour them much: Yet I deſire them ſeriouſly to conſider what they do, and alſo ſo far as they can to forecaſt, what is likely to be the iſſue, if they do not unite more firmly amongſt themſelves, and combine with other pious Miniſters, and people of God, both in Worſhip and Diſcipline. For they may make perhaps five hundred, or encreaſe to a thouſand independent Congregations; and can any wiſe man imagine that theſe can continue long without ſome Subordination, and certain Rules of a former Union? And can this be conſiſtent with the intereſt of any Chriſtian Civil State? If they be ſearching out ſome better way, according to the Rules of Chriſt, with a ſincere reſolution to fix upon it, when it's once found, as ſome of them do intimate they are, their proceedings are more tolerable. God hath fearfully puniſhed divers of their Congregations, and they have been divided amongſt themſelves, and ſome of their Members fallen off, and have proved far worſe than ever they were, whileſt they continued under their own pious Miniſters.

Sect. 3. But to come to the principal thing, which is their Congregational Extent, for to that narrow compass they confine that Church, which must be the primary subject of this power. The Question is not, whether some Congregations in some cases, may be the subject of this power in this degree; nor, whether every well constituted Congregation may not have and exercise Discipline within themselves, for some particulars? For this will be granted them. For both the *Presbyterian*, and also the Parochial Congregations and Vestries did so under the Bishops. But, whether their Congregations gathered in their manner be this primary Subject, and this according to any precept of Christ? Or, if we leave out that restriction of *being gathered in their manner*, whether by any institution and precept of Christ the independent power of Discipline doth πρῶτον ὅλως primarily belong unto a Congregation? For if it do, then it belongs in this manner to them, and them alone as single Congregations, and to no other Association of Christians. And if any other Association do assume it, they transgress a precept of Christ, which is of universal and perpetual Obligation. For to prove the affirmative, Mr. *Parker* makes use of the words *Synagoga* and *Ecclesia*, as most commonly taken in Scripture. And the dissenting Brethren instance in the first Apostolical Churches. Mr. *Parker's* first Argu-

Argument is taken from the ſignification of the words *Eccleſia* and *Synagoga* in Scripture: And, 1. He preſuppoſeth that theſe ſignifie a Congregation. 2. That a Congregation is an Aſſembly meeting in one place. 3. Hence he infers, that *nulla Eccleſia prima, quæ non Congregatio.* His meaning is, that if the people of any Precinct, as of a Dioceſs, or Province, exceed the bounds of a Congregation, ſo that they cannot conveniently and ordinarily meet in one place, they are not that firſt Church to which the power of the Keys doth primarily and originally agree. And he alledgeth for this purpoſe Dr. *Reynolds*, ſaying, That in every place of the Old and New Teſtament, *Synagoga Eccleſia eſt*, and as well *Synagoga* as *Eccleſia*, when they are ſaid to ſpeak of a Congregation political, ſignifie only an Aſſembly meeting in one place, *Polit. Eccleſ. lib.* 3. *ſect.* 3. For anſwer hereunto, it will be ſufficient to examine the ſignification of theſe words, as uſed in the Scripture; and by that we ſhall ſee whether the Argument from the ſignification of the word be good or no. To this end it may be obſerved, that the word *Synagoga* is uſed by the Septuagint a hundred ſeventy times, if not above, in the Old Teſtament, under עדה we find it an hundred and twenty times; and in the firſt eight places, it ſignifies the Congregation of all *Iſrael*, which conſiſted of ſix hun-

dred thouſand fighting men, beſides women and children, as *Exod.* 12. 3, 6, 19, 47 *verſe*, and *chap.* 16. 1, 2, 9, 10. *Judges* 20. 12. It's an Aſſembly of four hundred thouſand at leaſt. The word קהר is 37 turned Συναγωγὴ, a Congregation; and in the three firſt places an Aſſembly or Congregation of Nations; as *Gen.* 29. 3. 35. 11. 48. 4. *Cyrus* his Army gathered out of many Nations, is, *Kahal Synagoga*, *Jeremy* 50. 9. So the vaſt Army of *Gog* and *Magog* is, *Synagoga*, a Congregation, *Ezek.* 38. 4. Again, as *Synagoga* may ſignifie a Congregation of many thouſands, and a far greater number than Mr. *Parker*'s Congregation, ſo the word *Eccleſia* is uſed under the word *Kahal* ſeventy times, as formerly upon another occaſion was noted: and in the firſt place it ſignifies the Congregation of all *Iſrael*, both in *Levit.* 8. 3. and alſo *Deut.* 18. 16. It many times ſignifies the Aſſembly of *Iſrael*, ſometimes a general Repreſentative. In the New Teſtament, *Heb.* 12. 23. it's the *general Aſſembly of the firſt-born, which are written in Heaven.* Eph. 4. 22. it's that *body, whereof Chriſt is Head*; and *Chap.* 2. 20. that *building, whereof the Apoſtles and Prophets are the foundation, and Chriſt the chief corner-ſtone.* From all this it's clear, that the words *Eccleſia* and *Synagoga* ſignifie, beſides Civil and Military, Eccleſiaſtical Aſſemblies, and the ſame either political or local; and the place is either particular, or ſpecial, or gene-

general; in which ſence a whole Region and vaſt Country may be one place. So that one fallacy, 1. is in the word *place*; 2. another in the word *Aſſembly* meeting in one place: For, 1. The Aſſembly and Meeting may be rare and extraordinary, as the words do divers times ſignifie, as is evident, and this cannot agree to Mr. *Parker*'s ordinary and convenient Meeting. 2. They ſignifie Aſſemblies meeting in far greater numbers than in his Congregation. For, the number of perſons which made up divers of theſe Aſſemblies, were thouſands, nay hundreds of thouſands; as four hundred thouſand, five hundred thouſand, nay millions and whole Nations. And if ſo, then they who ſtand for a National Church, will deſire no more; the Provincial and Dioceſan party will be content with fewer. Again, the words ſometimes ſignify a political Society, conſiſting of ſuch perſons, as ſhall never meet together in one place, except at Chriſt's right hand, and in the place of Glory. So that if the former diſtinction uſed in ſtating the queſtion, be remembred, and the queſtion be underſtood thus, That ſome Congregations, ſuch as Mr. *Parker* deſcribes the Church to be, may ſometimes in ſome reſpect be the ſubject of an independent power of the Keys, then theſe places are not much againſt him. But if he underſtand it ſo, that if any Church exceed the bounds of his

his Congregation, of ſo many as may ordinarily and conveniently meet together, it's not of Chriſt's Inſtitution, nor can be the primary Subject of this power, then his Argument a *nomine ad rem*, from the word to the thing, is no Argument. But, ſuppoſe the words ſhould always ſignify one Congregation, which may ordinarily meet in one place, which yet they do not, how will it follow from any of thoſe places, that ſuch a Congregation, and none other is this primary ſubject.

Sect. 5. His ſecond Argument is taken from the deſcription of the Church as repreſented to *John* the Divine, *Rev.* 4. For he takes it for granted, that the Church there mentioned, conſiſting of twenty four Elders, and the four Beaſts, was a congregational Church; or rather that the Church there was a Congregation in his ſence. *Anſw.* But, 1. Let it be granted that there is a deſcription of a Church, and the ſame Chriſtian viſible, yet it will no ways agree to his Congregation. For, 1. There is an alluſion made to the Congregation of *Iſrael*, pitching in four Squadrons under four ſeveral Enſigns, as the Enſign of *Judah* was a Lion, and three Tribes under every Enſign, with the Prieſt and *Levites*, encamping next the Ark between it and the Squadrons. This was a Congregation, as you heard before of 600--000 Men, beſides Women and Children. 2. This Congregation of the four Beaſts, and

and twenty four Elders, ſing a Song of praiſe unto the Lamb Chriſt, and acknowledge that he was ſlain, and had *redeemed them to God by his blood, out of every kindred, and tongue, and people, and nation*, Rev. 5. 8, 9. This is a Congregation gathered out of every Nation. This can be none of Mr. *Parker*'s Congregation.

His third Argument is taken from *Matthew* 17. 18. and from 1 *Cor.* 5. In the firſt place. 1. Chriſt ſaith, *Tell the Church.* 2. This Church is the primary ſubject of the power of the Keys. But 3. He doth not ſay, this Church is Congregational in his ſenſe, neither can any wit of man prove it out of that place. 4. The word *Church* in that place is indefinite, and ſignifies firſt a Chriſtian community without any determination of the number of perſons, greater or leſs. 5. Though this Community and whole Body be principally meant, yet its here ſignified as exerciſing her judicial power by her Repreſentatives, who may eaſily meet in one place, when the whole Body cannot, and that place may be capacious enough to receive them, yet far too narrow to contain the whole Church and all the Members, and every one of them repreſented in that place. As for 1 *Cor.* 5. 4. which is the ſecond place quoted by him, he argues from theſe words, *when ye are gathered together*, that a Church is a Congregation, conſiſting of ſo many Sect. 6.

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as ordinarily meet in one place. *Answ.* 1. It's granted, that according to the Apoſtles directions, the inceſtuous perſon muſt be Excommunicated in a publick Aſſembly of perſons meeting in one place. But 2. The Church may aſſemble perſonally or virtually in their own perſons, or by and in their Repreſentatives. That this Church did meet virtually in her Repreſentatives, at leaſt no Man can doubt; but that all, and every one of that Church were perſonally preſent in that Aſſembly, no man can prove; for, it was a meeting, as he confeſſeth, for the Exerciſe of power of Juriſdiction. 3. Suppoſe all the Church of *Corinth* could and did meet in that Aſſembly, how will it follow, that every other Church, as that of *Jeruſalem*, could do ſo to: or that if any Church was ſo numerous, that they could not ordinarily meet but in ſeveral places: will it follow, that therefore it could not be the primary ſubject of this power. But ſomething more to this hereafter.

Sect. 7. To reſerve his fourth Argument to the laſt, I proceed unto his fifth: which is drawn from Communion in Word, Prayer, Sacraments, and his ſixth in watching one over another. In that of Communion he confounds Worſhip, and the Exerciſe of Diſcipline, which are two very different things, and alſo he groſly equivocates in the matter of identity, which even freſhmen know to be three-fold, *in genere, ſpecie, numero*

*numero.* For he conceives there can be no Communion but amongſt thoſe, who meet in one place to exerciſe thoſe heavenly duties. *Anſw.* 1. It's true, that if the number of perſons in one Church exceed, they cannot all be edified and enjoy a ſufficient Communion in Worſhip by one man, Officiating at one time in one place, where they cannot all aſſemble. But what's this to purpoſe? It's nothing to Government. Communion in Worſhip is one thing, in Government another. The Communion of one particular Church in this latter reſpect is political, and conſiſts in this, that they have the ſame Supream and Independent Judicatory according to certain Laws, as they are ſubject to the ſame independent Judicatory in the ſame Precinct. Communion in Word, Prayer and Sacraments is rather Moral then Political, and may be had, and is enjoyed many times, in many places, where there is no external Diſcipline ſetled or exerciſed. The end of Word and Prayer is firſt to make Chriſtians, and then to edify them, and theſe are no ſooner made and multiplied, but they muſt hear, pray, participate the Sacraments, before any Form of Diſcipline be inſtituted; and if every one would conſtantly do his duty in theſe things both privately and publickly, there would be no need of Diſcipline. 2. Whereas he conceiveth, that there can be no ſuch Communion and Edification, but one and the ſame

ſame individual Aſſembly, he is much miſtaken, and beſides his words are very ambiguous. For the better underſtanding hereof, we muſt know that the end of Communion in Word, Prayer, Sacraments, is Converſion and Edification, as before. 2. Theſe ends may be attained, as well in ſeveral Congregations under one Supream Judicatory for Diſcipline, as in one Congregation Independent, or ſeveral Congregations having their ſeveral Supream Judicatories: for both of them depend upon the Miniſtry as Inſtrumental, and upon the Spirit as the principal Agent, which *cæteris paribus* may be as effectual in ſeveral Congregations not Independent, and every one of them ſeverally, as in one, though Independent, and at the ſame time. And though Diſcipline may further Edification in a Congregation, yet it may be furthered as much, when its Exerciſed by one Independent Power over ſeveral Congregations, as when it's Exerciſed by one Supream Power of one Congregation over it ſelf. Experience doth clearly evince this, and might ſatisfie us. But I have wondred at the deſign of ſome men, who go about to bind Men to the individual participation in the ſame Ordinances, if they will be of the ſame Church, as though that could be no Church, where all the Members could not, or did not thus individually participate. For few of their own Congregations are ſo ordered,

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as that all the Members Communicate at one time, but ſome at one time before the reſt, ſome at another after the reſt. That which is required of all Chriſtians is no ſuch thing, but that they all Worſhip God both in private and publick, according to the ſame general rules of the Goſpel. As for mutual watching one over another, that's the duty of all Chriſtians, as Chriſtians, and as fellow Subjects and Brethren under the ſame God and Lord Jeſus Chriſt, though there never were any Diſcipline ſetled. And this is done far better by them, who cohabit, and conſtantly, or for the moſt part converſe one with another, then by them who live ten, twenty, thirty miles diſtant one from another, as ſome of the Congregationals do: nay Members of one and the ſame Congregation bound to this watching one over another, live one at *London*, another at *York*; one in *Ireland*, another in *Scotland*, and their Paſtour and moſt of their Brethren in *England*.

To return unto his fourth Argument from the form of Apoſtolical Churches; as of *Jeruſalem*, *Antioch*, *Epheſus*, *Corinth*, &c. which is the ſame which the diſſenting Brethren inſiſted upon in the Aſſembly, I might refer him and them to what the Aſſembly hath Learnedly anſwered. The Argument is to this purpoſe, *The firſt Apoſtolical Churches were only Congregational, yet the primary ſubject of the power of the Keys. Therefore all other Churches ſhould be Congregational,* Sect. 8.

*gational, and as ſuch they are the primary ſubject of the power of the Keys.* Whether this be that which is intended, let every one judge, who is acquainted with the Controverſie. The Argument is that of induction taken from example; That which they aſſume, as clear out of Scripture to them is, that all and every one of the firſt Apoſtolical Churches were Congregational and only Congregational, and none of them Parochial, or Claſſical, or Synodical, or Dioceſan, or National, or had any Presbytery above a Presbyter. That which they would hence infer is, that only a Congregational is the firſt Church agreeable to the firſt inſtitution, and the firſt ſubject of the power of the Keys. The Argument in form may be this. All rightly conſtituted Churches ought to be like the firſt Apoſtolical Churches; But all the firſt Apoſtolical Churches were Congregational. Therefore all rightly conſtituted Churches are Congregational. The *Major* is very doubtful and admits of many reſtrictions. The *Minor* is denied. The concluſion as inferred from theſe premiſes is not to purpoſe. 1. The *Major* preſuppoſeth that all good examples are to be followed, and that they are equivalent to a binding precept. But this is certain, whatſoever they or others may ſay, that examples, as examples, though good, do not bind to imitation: for they only bind by vertue of ſome Precept or Divine

Divine Inſtitution. The Apoſtles in the firſt plantation of Churches did many good things, which we cannot imitate, and if we could, yet, if their practice in thoſe things was not grounded upon a precept of univerſal and perpetual obligation, it doth not bind us. They did many things by vertue of ſome particular precept binding them as Apoſtles, and no ways elſe; and ſome things in extraordinary Caſes, upon extraordinary Occaſions. In this reſpect the firſt Churches planted by them, might differ in many things from all other Churches in future times. Therefore, if the *Major* ſhould be to purpoſe, it muſt be underſtood ſo, that all Churches rightly conſtituted, are bound and that by ſome Divine Precept of Univerſal Obligation, and perpetual force to be like unto the Apoſtolical firſt Churches in all things, and eſpecially in this, that they were Congregational. How they will prove this I know not: and if they prove it not clearly they do nothing to purpoſe. 2. The *Minor* is denied both by the Epiſcopal and Presbyterian, and in particular by the Divines of the Aſſembly, who more particularly and diſtinctly anſwer all the proofs brought by them to affirm it. Their proof is by way of Induction: as the Church of *Jeruſalem*, *Samaria*, *Damaſcus*, *Antioch*, and ſo of the reſt were Congregational. Where 1. The term *Congregational* muſt be underſtood. 2. We muſt enquire, whether the induction

be ſufficient or no. 1. A Church may be ſaid to be Congregational in reſpect of Worſhip or Diſcipline. In reſpect of Worſhip two ways: 1. Of Prayer and Word. 2. Of the Adminiſtration of the Sacraments, either of Baptiſm or the Lords Supper, as the Aſſembly doth well diſtinguiſh. Now, how will they prove, that the whole Church of *Jeruſalem* with all the Members thereof, did conſtantly meet in one place to adminiſter and receive the Lords Supper? where is the Text that expreſly or by conſequence ſaith any ſuch thing. Again, a Congregational Church may be in reſpect of Diſcipline, and that ſeveral ways. For 1. A Congregation may ſignifie a Community of Chriſtians as the primary ſubject of the power of the Keyes. 2. This Community exerciſing in this power, and that either by a Repreſentative of the whole or ſome part. If they underſtand them to be Congregational in reſpect of the exerciſe of Diſcipline, ſo that their Repreſentatives of part, or the whole, might all of them congregate and meet at one time in one place, as ordinary or extraordinary occaſion ſhould require; in this ſenſe it will be granted, that even the Church of *Jeruſalem*, in its greateſt extent, was Congregational; but this is not their ſenſe. For, they mean by Congregational, ſuch a Community and Vicinity of Chriſtians, as that all and every one of the Members may ordinarily and conveniently meet

meet at one and the ſame time, in one and the ſame place, not only for Diſcipline, but Worſhip: and ſo, that if any multitude of Chriſtians exceed this proportion, they muſt divide and erect a new Independent Judicatory, and they were bound ſo to do, if they did not, they ceaſed to be ſuch Churches as Chriſt did inſtitute, and could not be the primary ſubject of the power of Diſcipline. How they ſhould prove the *Minor* in this ſenſe, I do not underſtand. They, who firſt took up this Congregational Notion, perhaps had a deſign to overthrow Dioceſan Biſhops: and this was thought an effectual means for that end: and if this conceit had not firſt poſſeſſed their minds, they would never have imagined any ſuch thing to be ſo much as implied in theſe examples. But ſuppoſe ſome ſuch thing to be implied at leaſt, for expreſſed it is not in theſe places, the Induction may be ſaid to be imperfect. For there were many Churches planted by the Apoſtles, and far more than are mentioned in the Acts of the Apoſtles. For *Paul* upon his Converſion went into *Arabia*, and then returned again to *Damaſcus*, Gal. 1. 17. Other of the Apoſtles no doubt went into *Ægypt*, *Æthiopia*, *India*, *Perſia*, *Armenia*, *Spain*, *France*, *Germany*: Yet none of theſe Churches are mentioned in the Scripture-Hiſtory. Therefore it might be ſaid, there is not a ſufficient enumeration of particulars to make

*The ſuppoſed end of the Congregational notion.*

up a general. But ſuppoſe theſe Churches to have been Congregational at firſt; it's certain, they enlarged and multiplied to far great numbers in after times: and though this be certain, yet it's no ways certain that upon this multiplication, they did divide into independent Congregations, and erected independent Judicatories in every particular Congregation, and were bound ſo to do, and that by a Divine Precept. And I wonder much at Mr. *Parker* that he ſhould argue ſo much againſt a Dioceſan Church, and yet grant, that all *Iſrael*, conſiſting, as he himſelf confeſſeth, of many Myriades, ſhould be but one Congregation, which was of a far greater extent than a Dioceſs. Whether this Congregation was as now it is by many managed amongſt us, be not formally Schiſm, as it is charged by ſome Learned Men, I will not here debate. But this I muſt needs ſay, that ſuch Congregationals, as by this notion, go about to unchurch all other Churches, which are not caſt in the ſame mold, muſt needs be guilty of ſome ſuch crime. It was firſt ſet up to oppoſe Dioceſan Churches, and now to oppoſe Presbyterian Claſſes. But there is another thing, which I wiſh all Wiſe and Judicious Men to conſider, whether this doth not tend unto, or at leaſt give occaſion of Schiſm, and alſo to inform themſelves, what effects it hath had hitherto, yet ſo as to diſtinguiſh between theſe effects of it, which are *per ſe*, and flow from the nature

nature of it, and ſuch as are *per accidens*. Yet in the mean time, Charity, Meekneſs, Humility, Pity of weak Brethren becomes us all, who profeſs our ſelves Chriſtians; and we ought to ſtand well affected towards all, who ſeem to us to look towards Heaven. Let us further conſider how far rational and pious men agree, and according to thoſe things, let us keep communion and heartily ſerve our God, humbly imploring his Divine Majeſty in the name of Chriſt to open our eyes, and ſanctifie our hearts, that at length we may be united in the ſame Judgement and Affection, and with one Mind, and with one Mouth glorifie God even the Father of our Lord Jeſus Chriſt.

Sect. 8. After the conſideration of a Congregational extent as too narrow, and of an Univerſal, as too large, I proceed to ſay ſomething of a National extent as a man between. The Congregationaliſt will cenſure it as too great by far; the Univerſaliſt as too little by much. Yet I ſhall willingly, as in other things, refer my ſelf to the Judgement of Moderate, Pious, Judicious, Impartial Men: Let them condemn me or acquit me, as they ſhall ſee juſt cauſe.

*The ſubject of the whole Treatiſe.* First it muſt be remembred, that the ſubject of this whole Treatiſe, is the Government of men by men, under God and Jeſus Chriſt our Bleſſed Saviour. Of Gods more immediate Government I have ſpoken in my *Divine Politicks*: where I ſhew it's Monarchical, Supream, Univerſal, and

cannot be bounded to any part of the whole Universe. For he being immense, and not only virtually, but actually present in all places, at all times, is only fit to govern all Nations, and the whole World as the Universal Soveraign; but this is far above the power not only of Men but of Angels. Therefore, whatsoever he doth in Heaven, we know, that when through his blessing mankind was multipled, and especially after the Flood, and had replenished the Earth, they were divided into several Societies, and were subject to several independent Tribunals. We never find them under one: neither do we in his word or works read of a Catholick King over all Nations, nor of an Universal Bishop over all Churches. Howsoever some have pretended such a Title, yet they could never shew their Patent subscribed by the Hand of Heaven. But, suppose they could have acquired the possession of the whole earth, which never any did, yet no one Man, no one Council, no one Consistory had been able sufficiently to manage so vast a power, and in any tolerable manner to govern all mankind at one time living upon Earth. It seemed good indeed, to our wise God, both in former and latter times to enlarge the power of some States, and especially that of the *Romans*. Yet that very Empire of so large extent, took in but a little part of the whole Earth: and this appears plainly now since by Navigation,

tion, ſome of the remote parts of the Globe, and both the Hemiſpheres thereof have been diſcovered. Yet in the greateſt extent it was thought by ſome of their wiſeſt Princes the beſt Policy *Cogere terminos Imperii*, to limit and bound it, becauſe they thought the body of too big a bulk, to be well ordered either by Prince or Senate, or People, or by all together. But to return to the matter in hand: the Queſtion is, Whether a national Community of Chriſtians may not lawfully be ſubjected to one ſupream Judicatory Eccleſiaſtical? To underſtand the Queſtion the better, it's to be obſerved. 1. That a Community of Chriſtians may be ſaid to be national ſeveral ways, or in ſeveral reſpects: as, 1. When all the Chriſtians of one and the ſame Nation, do aſſociate and unite in one body. 2. When theſe Chriſtians are the major part of the people. 3. When the whole Nation, or the generality thereof have received, and do profeſs the ſame Chriſtian Faith. I will here ſuppoſe the major part or generality to be Chriſtians, and the aſſociation and incorporation to be made by a tacit or explicit conſent, which ſometimes may be confirmed by the Laws of the Supream Power. Yet this generality may be ſo underſtood, as that there may in the ſame Nation, be found *Turks* or *Mahumetans*, *Pagans*, *Atheiſts*, *Jewes*, which cannot be of this body; and that alſo there may be ſome Schiſms and Separati-

tions amongſt ſuch as profeſs themſelves Chriſtians, and ſometimes they may be none. This in my ſenſe is a national Community of Chriſtians, and a Church-conſident before any form of external Diſcipline be introduced. 2. When I ſpeak of ſubjection, I do not ſay, that they are always in all Nations bound by any Divine Precept to be ſo, but that they may, and that lawfully according unto the Scriptures. 3. I underſtand that this ſubjection, ſo as that every ſeveral member be ſubject not to one man, or one party, but to the whole, and that either properly taken or virtually for a Repreſentative of the whole, which ſhall have power in the name of the whole body to make Canons, and in Judgement to receive laſt Appeals. 4. I underſtand the Queſtion of Nations indefinitely taken, for if any be of ſo vaſt extent, as that one independent Court may be either inſufficient or inconvenient, I rather exclude then include ſuch. For, ſuppoſe all *Tartary* ſhould be counted one Nation, or all *Chinæ*, I conceive, they are too large. 5. I mention only a national Community; for if that be granted, the Claſſical and Provincial muſt needs come in. The Congregational party, I know, holds the Negative. And here upon the by, I will take the liberty for to anſwer Mr. *Parker*'s ſeventh argument, for his Congregational way. It's taken from Politicks, and to this purpoſe; That as little States

are

are more easily and better governed then great ones, so is a Congregational Church, which is but of a narrow compass, than a Classical, Diocesan, or Provincial, or National, which is far greater. *Answ.* Though less Communities may be better governed, than one too great, yet a great one of moderate extent may be better governed and defended than one that is too little. For Gods one peculiar People and Nation, which was first under Judges, then under Kings, was subject to one Supream Tribunal for a long time, above five hundred Years; and afterwards it was divided into two. Yet it was better governed under one, than under two; when subject to one individual Tribunal, than when to two; but of this more hereafter.

For the confirmation of this, we must note. 1. That there is no Divine Precept in the New Testament, which particularly determines either the extent of place or number of persons, to which a particular independant Church is confined: we do not find their either the *minimum* or *maximum quod sic.* Therefore some Latitude must needs be granted. 2. That the History of the New Testament doth not reach those times, wherein it pleased God to fulfil those Propheſies, which promised, * *That Kings should become Nursing-fathers, and Queens Nursing-mothers of the Church*, and she should suck the breasts

Sect. 9.

* Isa. 49. 23.

breasts of Kings, who should come unto her light. 2. When one should become a thousand, and a small one a strong Nation; *I* (*saith the Lord*) *will hasten it in its time*: Where, one saith, he alludes to the Creation, which he finished in six days, hastening, and could not rest and keep his Sabbath till all was ended, and man was made. 3.* *When Nations, who knew not Christ, should come unto him.* These, I say, were not fulfilled in the Apostles times. 4. Many of the Primitive Christians, after their conversion continued for a certain time without any set-form of external Government, or perfect Rules of New-Testament-worship, except to Word and Prayer, were setled. Hence those words of the Apostle, * *The rest will I set in order when I come.* 4. Even within the compass of that time which the Scripture-History reacheth, there was a great inequality in the Apostolical Churches for the number of the persons, which was far greater in one Church than in another, and in the same Church fewer at the plantation, and far more numerous afterward. For the Kingdom of God was like leaven, which did spread and diffuse it self, and to a grain of Mustard-seed, which did grow mightily. 5. After many of these became formal Polities, they encreased so much that without divisions and subdivisions they could not be well ordered, so as that every part should be subjected to the whole. This Ecclesiastical History testifies. 6. Seeing,

Chap. 60. 16, 22.

*Chap. 55. 34.

* 1 Cor. 11. 34.

1. That

1. That the inequality of the firſt Churches, planted by the Apoſtles, was ſo great in the former reſpects. 2. That ſome of them were incompleat, not fully formed, not grown up to their full ſtature. 3. That moſt of them did mightily encreaſe and enlarge afterwards. 4. That the Propheſies of the glorious Enlargement of the Church began but to be fulfilled in the times of the Apoſtles, therefore thoſe firſt Churches, as in the Apoſtles times, could be no obligatory examples to us for matter of extent, except with admiſſion of ſome great latitude. From all this it follows, that the Rules, whereby this Controverſie muſt be decided, muſt be the generals of decency and order, ſo far as they may prove moſt efficaciouſly conducent unto the preſervation and edification of the Body. Yet we muſt have a ſpecial care to obſerve the Inſtitution and the Examples agreeable thereunto. And that Church, which is ordered according to theſe Rules, and moſt effectually tends unto theſe ends, is the beſt and moſt approved of Chriſt. He doth not reſpect and value Churches as they are Congregational, Presbyterian, or Epiſcopal, nor as of more narrow and larger compaſs; nor as of leſs or greater number, but as ſo ordered, as to diſcover falſe Brethren, reject Hereticks, purge out the old Leaven, caſt out ſcandalous perſons, free from the Doctrine of *Nicolaitans* and

and *Jezabel*, and keep themſelves in Unity and Purity. And ſurely, as our Chriſtian Profeſſion is diſgraced, ſo is God highly diſpleaſed; becauſe we ſo miſerably diſtract God's people, and urge upon them ſuch accidentals with ſo great importunity, though they be neither eſſential, nor neceſſary to good Government.

Sect. 10. I might inſtance, 1. In the Church of *Iſrael*, which no doubt was National from the times of *Moſes* till the Raign of *Jeroboam*; all which time it continued entire in one body, adequate to the State, and was never divided into independent Congregations. This example is not to be ſlighted, as it is by ſome: For this Church was modeled, enlarged, and confined by God himſelf: neither was it in this particular any Type or Shadow of ſomething to come, which upon the coming of Chriſt, and the Revelation of the Goſpel was to vaniſh. And this at leaſt will prove, that a National Church under one ſupream Judicatory is not unlawful in it ſelf. 2. I might add, that it's no where prohibited in the New Teſtament. 3. That it's agreeable to the Rules of Decency and Order. 4. That it's not contrary to the Inſtitution. 5. If the State be Chriſtian, it may have much help, and many advantages from the State, eſpecially when the diviſions of Church and State are the ſame. But, 6. If a Congregational Church may be

be lawful, then a National may be ſo too. And the reaſon of the conſequence is, becauſe a National may be as eaſily and as well, nay, more eaſily and better governed than a ſingle Congregation, much more than thouſands of independent Congregations in one and the ſame State. That the multitude of Chriſtians in one Nation aſſociating and uniting in one body, and ſubjecting it ſelf to one ſupreme Judicatory, may be better ordered than many independent Congregations in the ſame Nation, is evident, For 1. they may be far more firmly united, and far more free from Schiſms and Separations. 2. Order, which is the life of Government, may far more eaſily be eſtabliſhed and obſerved. 3. It will be far ſtronger to preſerve it ſelf from all oppoſition both within and without. 4. It will be furniſhed with far more excellent perſons, endued with excellent qualities for to make Officers and Repreſentatives. 5. It will be of far more Authority. 6. It will be far more able to reform and reduce into order the greater Multitudes, and whole Congregations, and the greateſt perſons. 7. It will be far more able to receive Appeals, to make Canons, give Advice, hear and determine the moſt difficult Cauſes, and to execute their higheſt Judgments. One reaſon of all this is, becauſe ſo many Gifts of the Spirit may be united in one. To clear this more fully, we may conſider a difference, 1. Be-

tween

tween a ſingle Congregation independent, and a national Community under one and the ſame power of the Keys. 2. Between a multitude of theſe independent Congregations, ſuppoſing all the Chriſtians of a Nation made up their ſeveral Polities, and all the Congregations of a Nation united ſeverally for Worſhip, and ſome acts of Diſcipline, yet all ſubject to one ſupreme Judicatory Eccleſiaſtical. For the firſt difference, it's two-fold: 1. In the number of perſons. 2. In the diſtance of place, in reſpect of the parts and members of theſe Bodies; both which, if they be too great, are thought to be impediments of Government. As for the number of perſons: 1. They muſt not be too many, as they ought not to be too few. 2. They are far more for number in a National than in a Congregational Church. 3. As for this great multitude of a Nation, if not too vaſt, reaſon, and the ſame confirmed by experience, will tell us, that by diſtinction, and a wiſe diviſion, with a co-ordination of parts equal, and a ſub-ordination of the leſs to the greater, and all the ſeveral parts unto the whole, a multitude, though of millions, may be united into one organical Body, and governed as one Man. And by the way, we may take notice of a miſtake in Mr. *Hooker* of *New England*, who thinks that a Church or Community of Chriſtians cannot be an organical Body till Officers be

be made; whereas the making of Officers is an act of Administration, and presupposeth the Constitution, whereby it's properly and formally organical, before any act of Administration. But to return, that whereby so many are made one is order, which unites Heaven and Earth, and all things therein in one Body: much more a petty multitude of Christians of one Nation. This is apparent in all Bodies Politick; as Universities, Corporations, Counties, Armies, and Common-wealths. This is God's way of Government, which the wisest Governours did always imitate. Thus *Moses* chose able men out of all *Israel*, and made them Rulers over the People, Rulers of thousands, Rulers of hundreds, Rulers of fifties, and Rulers of tens. And they judged the people at all seasons: the hard causes they brought to *Moses*, but every small matter they judged themselves, *Exod.* 18. 25, 26. In this Text considered with the antecedent, many things as proper to Government are observable: 1. There must be Laws. 2. Officers. 3. Courts according to the *tria Jura Majestatis* of Legislation, making Officers and Jurisdiction. These presuppose a Community, and a Constitution: 1. There must be a power of making Laws, that belongs to the Soveraign. 2. Laws by this power must be made for Administration, which without them must needs be arbitrary and irregular. 3. Those Laws

Laws once enacted muſt be promulgated, that they may be known. 2. Once known, they muſt regulate both the peoples obedience, and the acts of Officers, and judgment of the Judges. After Laws once eſtabliſhed, they muſt be executed; and that cannot be orderly and effectually done without a diviſion of the people: For 1. they muſt be numbred, divided into tens, fifties, hundreds, thouſands, tribes. 2. They muſt be co-ordinate and equally poiſed, tens with tens, fifties with fifties, hundreds with hundreds, thouſands with thouſands. 3. They muſt be ſubordinate, ten to fifty, fifty to an hundred, and hundreds to thouſands, and all unto the whole. When this is done, Officers, by whom theſe Laws muſt be executed, muſt be made. Theſe muſt firſt be well qualified. 2. The people muſt chuſe them, *Deut.* 1. 13. 3. *Moſes* muſt appoint them their places, aſſign them their circuits, give them their charge. 4. They muſt have their Courts and Seſſions, judge, execute the Laws, and be ſubordinate, the leſſer Courts to the ſuperiour, and all to the Supream: For their Cauſes, eſpecially if difficult, muſt aſcend till they came to *Moſes*, and he brought them to God, who was their Soveraign; this was extraordinary. But afterwards they had their *Sanhedrim* and Court of Appeals. This ſubordination ſeems to be implied in thoſe words of our Saviour,

Saviour, *Matth.* 5. 22. *But I ſay unto you, that whoſoever is angry with his brother without a cauſe, ſhall be in danger of the judgement; and whoſoever ſhall ſay unto his brother* Racha, *ſhall be in danger of the council, but whoſoever ſhall ſay, Thou Fool, ſhall be in danger of hell fire.* One thing in all this is conſiderable, That *Moſes* did not make every Diviſion, nor every Court ſeverally independent, but ſubordinated all unto one ſupream Conſiſtory. A Multitude, though National, therefore is no impediment to good Government, eſpecially when they are numbred, divided, co-ordinated, and ſubordinated, and ſo by a certain and fixed order made one.

As a Multitude is no hinderance, ſo neither is a national diſtance of parts: For if we ſhould enquire into the Conſtitution of the *Chaldean*, or the *Perſian* Empires, of both which we might learn much out of the Holy Scriptures, eſpecially in the Books of *Ezra*, both firſt and ſecond (called *Nehemiah*) and *Eſter* and *Daniel* moſt of all; we ſhould find, 1. That the extent of them was far more than National, and the diſtance of the parts far greater. 2. That theſe were divided, ſubordinated, not only in the parts leſs to the greater, but alſo in their Officers both for War and Peace, the Revenue, and the Adminiſtration of Juſtice, and ſo by order united under one Head. The Empire of *Rome*, (the parts whereof were ſevered at a very Sect. 11.

great diſtance, as from the River *Euphrates* in the *Eaſt*, to the Ocean upon the Weſt of *France*, and from *Ægypt* Southward, to the North of the *Leſſer Aſia*) was according to their principles of Policy, as well governed as any *European* petty State at this time is. The *Turkiſh* Seigniory, tho' of great extent, is as well ordered as divers ſeveral Kingdoms Chriſtian, confined to a far more narrow compaſs. Their order is good, their ſtrength great, their Counſel, which doth manage it, politick, their Laws for adminiſtration of Juſtice certain, their diviſions, from matters of Religion, few or none; and their internal ſtrength muſt needs be firm, and the continuance of their Dominion hath been long. Some attribute the excellency of their Government to their ſeverity in puniſhments, and their bounty in rewards: yet though theſe add ſomething, yet theſe are but the leaſt part. The Dominions of *Spain* are many, and ſcattered at a very great diſtance round about the Globe on both ſides the Line, within and without the Tropicks, yet all theſe are ſubjected to one ſupream Judicatory, and are tolerably governed, and by a great deal of policy have been kept together till of late. *France* indeed is ſtronger, becauſe divided into thirty Provinces, it's united in one Vicinity, and ſubject to one Monarch: Yet in theſe vaſt Dominions, and great Empires, the union of their many parts

parts ſo diſtant did depend, not only upon ordinary means, but ſome extraordinary acts of Divine Providence. From all this it's evident, that by diviſion, coordination, ſubordination, the ſupream power of one Nation, nay of many Nations, may be diffuſed through the whole Body, ſo as to animate it, and reach every part, even the remoteſt.

Yet it may be objected, that all the Members of a National Church can never meet together in one place and Aſſembly. It's true, they cannot, neither is it needful. *Joſhua* called and aſſembled all *Iſrael*, when yet none but their Elders, their Heads, their Officers, their Judges were called and convented, *Joſh.* 23. 2. Upon which place *Maſius* thus comments: *Cum dictum eſſet omnem* Iſraelem *fuiſſe convocatum, ipſa deinde univerſitas ad eos deducitur, qui populum omnem repræſentabant.* So that all *Iſrael* met in their Repreſentative. Thus *David*, thus *Solomon* did uſe to convocate all *Iſrael.* As our State hath its *Wittena Gemot*, the Parliament, which *Cambden* calls *Pananglium*, ſo a National Church may have a general Aſſembly to repreſent the whole. And this may be ſo compoſed, as to be an abridgement, and contraction of the quinteſſence of the wiſdom, piety and learning of a National Church: This is a moſt excellent way for a Community to act by. This may be both the *terminus à quo & ad quem*, of Sect. 12.

all these publick acts, which are of weight and general concernment. By this the Nomothetical Power is exercised; to this, by Appeal, the highest causes are brought, and finally determined; yet here it's to be observed, that a Representative of the whole, is not the whole properly, but synecdochically, and an Instrument whereby the whole doth so act; yet if any thing be done amiss in a former particular Assembly, the whole may correct it by a latter. 2. That if the Constitution of a general Representative be right, and the Members thereof duly qualified, and act according to their qualification, there will be so much reason and wisdom in their Determinations, as that they will bind more by vertue of the matter, than the authority and votes of their persons. We might add, that in these Independent Congregations, there is neither any conveniency, or necessity, that all the Members should meet either for Juridical or Legislative Acts, though it be expedient that all should know what is done. They call women and children together for Worship, but not for matters of Judgement and Discipline: It's sufficient if such as are rational and judicious have suffrage in the same matters. *Marsilius* in his *Defensor Pacis* determines the Power of Legislation to be *in Populo, aut civium universitate.* Yet he grants that the Laws may be made *Per valentiorem partem*, or their Trustees; and

and that what is ſo done by them, is done by all. But in this particular he excludes women, children, ſervants, ſtrangers, though inhabitants, if not incorporated; likewiſe Mr. *Parker*, who gives the whole and independent Power of the Keys into a Congregation under a Democratical form, yet will have the exerciſe of this power in the Officers in an Ariſtocratical mode. Seeing therefore that neither multitude of perſons, nor diſtance of place, nor impoſſibility of a vertual and ſufficient Convention of all the Members, being the differences between a National and Congregational Church, and conceived to be the impediments of good Government, are no impediments; I know no reaſon but that all the Chriſtians of a Nation may be as well governed by a ſubjection to one ſupream Judicatory, as a Congregation independent.

But let us oppoſe this National Community under one ſupream Tribunal, to a thouſand or more Independent Congregations, as hitherto we have compared it with one ſingle Congregation; and then that which was affirmed will be more apparent; For 1. a National Community Chriſtian may have the ſame Members, the ſame gifted Men, the ſame Officers, and the like Aſſemblies for Worſhip, as ſubjected unto one Tribunal, which the ſame number of Chriſtians in the ſame nature, divided into a thouſand or more Sect. 13.

Independent Polities may have; And the ſame gifted Men and Officers may act more effectually for the good of the whole; when they are thus united, then when ſcattered and divided like the vital Spirits in ſo many ſeveral Bodies, For *vis unita fortior*, and the being more firmly, orderly, and regularly united, may more eaſily animate and effectually move and direct one body, though great, then ſo many bodies independent one upon another and ſevered, though little. 2. Again, in this National Body every Congregation, Claſſis, Province may act, order, hear and determine matters belonging to their Cogniſance, and within their Precincts, without troubling any general Repreſentative, except in the higheſt, moſt difficult buſineſſes of general concernment, which with all extraordinary matters are reſerved for that higheſt Aſſembly: And all this is done according to the Rules of Government allowed by God, and practiſed by the beſt Polities in the World. 3. The Congregationals grant, that any of their ſingle Congregations independent, in a difficult point, or buſineſs may take the advice of twenty, thirty, forty other Congregations or more; yet if the Major part of them, or all ſhould agree and give their judgment, that one Congregation ſhall not be bound by their advice, but ſhall have power to judge againſt it, or ſubſcribe unto it; ſeeing in this

this caſe no Scripture binds this or other Congregations to be independent, or perhaps allow any ſuch thing, except in ſome extraordinary caſes, it were worth the ſerious conſideration of wiſe men, whether it be more agreeable to the Rules of good Government, and the general Precepts of Church-diſcipline, that one of theſe Congregations alone ſhould have the power to determine, and that finally, this difficult cauſe, and all the reſt only to adviſe, then that joyntly with this one, all the reſt and moſt of them as good, and ſome perhaps better, ſhould have power, not only to adviſe, but determine: And whether this determination of all joyntly were not likely to prove better, and more effectual, and more conducing to the end of Diſcipline, than that Determination of one. But againſt this two things may be ſaid, 1. That all thoſe other Congregations may err, but this is but to ſuppoſe, and to ſuppoſe a thing both unlikely and extraordinary, that forty well conſtituted Churches may err, and that one be free from errour. 2. By this it ſeems to follow, that in ſome difficult caſes one National Church may not only take the advice of many others, but ſubject themſelves unto them. But 1. we are bound only to ſubmit unto the Word of God made clear unto us, though it be very likely that many ſeeking God, and making right uſe of the means, are

more likely to find out truth, and understand the Word of God better than one. 2. I staid at a National Church, and did not expatiate further, because experience hath taught us how prejudicial it hath been even to this State, to suffer Appeals to be made, either unto Forreign Churches or States. Neither is it fit, in respect of the Civil Soveraign Christian, that the Church within this State should any ways depend upon any other Church whatsoever.

Sect. 14. I had said before, that a national Multitude of Christians associated into one Body, and subjected to one supream Power of the Keys, may be as easily and as well governed and edified, as if they were divided into many several Communities and independent Congregations: Now I add, that in divers cases they may be more easily and better governed and edified. This might be made manifest, 1. From the many conveniences, which will follow from the Multiplication of Independencies in a national Church, and Christian State, all which by an internal connexion and subordination may be avoided. Histories, read with attention and understanding, will manifest this, and the experience of these times in our Church and Nation. 2. From the disproportion, and also the difference between the Church and State, in respect of the extent, and the multitude of independent

pendent Polities Eccleſiaſtical, within the bowels of one entire Civil Common-wealth Chriſtian. I do not mean, that the Conſtitution of the Church and State ſhould be the ſame, ſo that if the State be Monarchical, the Church ſhould be ſuch too; or if Ariſtocratical, it ſhould be Ariſtocratical. For, though God hath determined the model of the Church, yet he hath not ſo particularly defined the Conſtitution of the State. Neither do I affirm, that the Church by any Divine Precept is bound to be co-adequate to the State; only this I ſay, it will be convenient, advantagious to the Church, and agreeable to the general Rules of Decency and Order. 1. That it be co-adequate to the State. 2. That there be but one independent Church in in one national State, except there be ſome ſpecial impediment. But not to inſiſt ſo much upon theſe, a third and greater reaſon to prove this, is taken from the inſufficiency of a Congregation to govern and order it ſelf in divers caſes, not ſo incident to a national Church well ordered. Amongſt others, there be four acknowledged and reckoned up by Mr. *Parker* himſelf. The firſt is, when one and the ſame Cauſe may concern, not only one ſingle Congregation, but divers ſeveral other neighbouring Churches. The ſecond is, the Inability of the Elderſhip of an independent Congregation. The third is, Male adminiſtration. The fourth is, Appeal

peal upon Male-administration presumed. Concerning these four Cases, I observe, 1. That no single Congregation doth continue long, but some of these Cases, if not all, will fall out. 2. That in these cases there can hardly be any Redress. 3. That a national Church is ordinarily furnished with sufficient Remedies against these Evils. Upon all this it follows, that in some cases a national Church is of a better constitution, than a Congregational. Whereas Mr. *Parker*, in the case of Male-administration grants Appeals, in that very concession he divests his Congregation of her independent Power, and makes it to be no Politie at all. For, if (as he saith) a congregational Church be, and that by divine Institution, the primary Subject of the Power of the Keys, how can it be subject to another Church or Churches, as if it Appeal, it must needs be: *Par in parem non habet potestatem* is a certain Rule. For, *obligatio ex delicto* will not here take place. To be independent and dependent, cannot agree to the same Church at the same time. And is it likely that Christ denieth the power of the Keys to that Church, which in all the forementioned cases was sufficiently furnished with effectual means of redress, and give it to that which is in it self insufficient? There be several kinds and degrees of Communion between particular Churches independent, and that for mutual help and edificati-

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on: yet all those kinds and degrees of Communion are but extrinsecal, and the Communion is but like that of Leagues and Friendship between State and State, which can no ways reach Appeals. And as it is in several distinct States, so it's in several distinct Churches. That of * Dr. *Jackson* is very remarkable, and worthy consideration. That the best Union that can be expected between visible Churches, seated in several Kingdoms or Commonweals independent one upon another, is the Unity of League or Friendship; and this Union may be as strict as it shall please such Common-weals and Churches to make it, and to subject such a Church in such a case unto another, is to build a *Babel*, or seat for Antichrist. This implies that a Church may be National, and he gives a good reason why it should be no more. And according to this Rule, Mr. *Parker*, by granting in this case Appeals, doth no better than build a *Babel*, and so I fear many others do by making every Congregation independent.

* *In his Book of the Church.* c. 8. p. 63.

But to say no more in this place of Appeals (the power of receiving whereof is a branch of Majesty, and the exercise of this power belongs to Administration, and comes under the head of Jurisdiction; where they are to be handled at large.) I further do conceive, that the condition of these independent Congregations, is no better than that of petty States, as those of Sect. 15.

of the *Netherlands*, and the Cantons of *Switzerland*. Theſe cannot ſubſiſt without a ſtrict Confederation, or a foreign Protection: and both are dangerous, and ſometimes, if not often, prove prejudicial. Though the States-General of the *Low-Countries* have their Commiſſion from the ſeveral Republicks, and with this Clauſe, *Salva cujuſque populi Majeſtate*; yet they are ready many times to uſurpe and exerciſe more power than is due unto them. But foreign Protection ſometimes proves a ſupreme Power: But the danger of our independent Churches, as with us, is far greater: becauſe they are ſo petty, and far leſs bodies, and no ways by any certain Rules firmly united. From all this Diſcourſe a rational Reader will conceive, that a national Church in my ſence is far more agreeable to the Rules of Government, which we find in Scripture, than ſo many independent Polities Eccleſiaſtical in one Nation. Some ſtill do conceive, and they have reaſon for it, that as this Nation of an independent Congregation was at firſt invented to oppoſe the Dioceſan Biſhop; ſo the diſſenting Brethren pitched upon it in oppoſition to the *Scottiſh* Kirk, and the *Engliſh Scotified Presbyterian*. And as in the Reign of Queen *Elizabeth*, ſome great ones, and Counſellours of State protected the new Conformiſt, and made uſe of him to poiſe the Biſhop; ſo in our days there were *Statiſts*, who

who knew how to make the Congregational party ſubſervient to their civil intereſt, not only to poiſe, but to beat down the *Presbyterian*, and which they far more aimed at, their party both in *England*, in the Parliament and Army, and alſo in *Scotland*, which in the end was done to ſome purpoſe. For at laſt the *Independent* became predominant, had great Friends was much favoured, obtained good maintenance, and ſome of them were put in the beſt places, and enjoyed the beſt preferments in the City, Univerſities and Country. Nay, ſome of them do not ſcruple plurality of places, as though the word *Pluraliſt* were only unlawful, and *Plurality*, the thing it ſelf legal and juſt enough. Some of them do much miſlike the Parochial diviſions, yet like Parochial Benefices well enough, and are unwilling, once poſſeſſed of them, to part with them; yet this power and profit is made not only by them, but others, the great intereſt; few ſeek a real Reformation with ſincerity of heart.

Sect. 16.

To draw near a concluſion, not only of this Chapter, but of this diſcourſe of the party ſupreamly Governing in Church and State; its the duty of us all in the beſt manner, and by the beſt means to endeavour, and make it our chief deſign, to reform and unite this divided and diſtracted Church of ours. For this end, we ſhould firſt lay aſide our Diviſions, as they proceed either from ignorance or errour, or diſaffection;

*Beſt means to reform and unite a Church Divided.*

fection; and let us ſee and try how far we may agree in the general and clear truths of Scripture, revealed for to direct us in the right ordering of a Chriſtian Society, and *put on charity, which is the bond of perfection, and let the peace of God rule in our hearts, to which we are called in one body,* Col. 3. 14, 15. For if we do not *hold the Truth in love,* Eph. 4. 15. no good thing will be done. Theſe are the only and effectual means, whereby the Foundation of our Church-
2. happineſs can be laid. 2. Let no perſon or party aſſume any power, but what
3. Chriſt hath given him or them upon a clear title. 3. Let us give every one their due: As for the Pope, we muſt leave him to God, who will in his due time take order with him. Let civil Soveraigns have their right in matters of Religion. Let the Biſhop be reduced to his Ancient Superintendency and Inſpection. Let the *Prethyters* be contented to be Officers, or at the beſt Repreſentatives, and not challenge to themſelves alone the Original power of the Keys. Let the People not be wronged, or any ways deprived of that right, which is theirs by the Rules of the
4. Goſpel. 4. Let us make our Chriſtian aſſociations, neither greater nor leſs than Chriſt allows us, and which may be fitteſt
5. for a good adminiſtration. 5. Let's not impoſe upon others any form or model of Church Government, which is not agreeable to Chriſts Inſtitution; nor aſſert thoſe things

things to be of Divine Authority, which are not clearly grounded upon ſome Divine Precept. 6. In things not neceſſary, either to Salvation, or the good of the Church, or not plainly conducing to the edification thereof, lets grant a latitude. And in ſuch things, though we may differ in judgment, yet lets agree in affection, and in charity bear one with another, till we be better informed. 7. Let the Nation continue divided into Counties as it is, and the Diviſions of the Church be made accordingly, or ſome other way, if any better may be found out. 8. Let the primary ſubject of the power of the Keys be the whole, and exerciſed by the beſt in every Precinct: but let the higheſt cauſes and the moſt difficult caſes, with the Nomothetical part be reſerved for the general Repreſentative. In all this the aſſiſtance of the State is to be implored: and we muſt do nothing to the prejudice of their juſt power, nor give them any cauſes of jealouſies or ſuſpitions. 9. Some ſpecial care muſt be taken, not only for the edification of the more knowing and profeſſing Chriſtians, but alſo for the inſtruction of the ignorant, and reformation of the prophane and ſcandalous; and this latter is the more difficult work. This cannot be done ſo well by Itinerants, as by fit perſons fixed in their ſeveral charges. 10. The chief intereſt of the Nation, as Chriſtian, is, as you formerly heard, the ſubſtance of the Proteſtant

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10. *What's the chief intereſt of a Nation, as Chriſtian.*

teſtant religion: which conſiſts not in Epiſcopacy, or Presbytery, or Independency, nor meerly in a ſeparation from the Church of *Rome* as corrupt, and parted from the purity and ſimplicity of the Goſpel (for this is but negative), but in certain poſitives of Doctrine, Worſhip and Diſcipline clearly agreeable to the Goſpel. Neither need we go to lay a new Foundation, but conſider what the former Doctrine, Worſhip, and Diſcipline was, and retain the beſt, reject the ſuperfluous, rectifie that which was amiſs, and ſupply and perfect the defects. When all this is done, it were good that ſome forms of theſe eſtabliſhed by Authority may be made publick, yet ſo, that all theſe may be plain and clear and conſonant to the Goſpel. By doing thus we might teſtify to the world, that we continue Proteſtants and reformed Chriſtians, and that our deſign was reformation and not confuſion and abolition of ſaving truth amongſt us. The ſumm of this Diſcourſe is, *Chriſt hath given the power of the Keys, the Church to which it's given is the primary ſubject, and is bound to exerciſe it by her Officers and Repreſentatives for the Churches good. For as the Apoſtolical, ſo this power was given for edification, not deſtruction,* 2 Cor. 10. 8.

CHAP.

# CHAP. XV.

## *Of Subjection in general, and the Subjects of a Civil State.*

IN the former part I have, according to my poor ability, declared. 1. What the Act of Government is. 2. That the subject of it being a Common-wealth both Civil and Ecclesiastical, it hath two parts: 1. The Constitution. 2. The Administration of the same. 3. That the matter of a Common-wealth is the Community, and the Form, and Order of Superiority and Subjection. 4. That there are two integral parts of a Common-wealth. 1. *Pars imperans*, the Soverain. 2. *Pars subdita*, the Subject. 5. What the power of a Soveraign is, how it is acquired, how disposed, and that both in a Civil State and Church. Now according to order comes in *Pars subdita*, to be considered both in a Civil and an Ecclesiastical notion. What a Subject in a Civil State is cannot be known in particular, except we know the nature of subjection in general. The word in Greek, which signifies to be subject is ὑποτάσσεσθαι to be subordinate. For subjection presupposeth order, not physical and local, but moral of Superiour and Inferiour. That which makes a Superiour is power, Sect. 1.

and power over another, which is not invested with it; in which respect he is inferiour in relation to him that hath power over him. And so soon as God hath made one Superiour to another instantly, the party inferiour is bound to subjection, which is a thing due unto this Superiour. God hath set him in a place under, not above, nor in the same rank; and by this very placing of him, he is made a subject by Divine Ordination. And this is the first degree of subjection, from which follows an obligation to active and voluntary submission. And this obligation ariseth not only from this, that the power over him is Gods, not as he is Creatour meerly and the Author of Nature, as *Suarez* doth express it, nor only as he is a Supream Lord by Creation and Preservation, committing some measure of his Power to man, but also from this, that he commandeth men to submit. Actual subjection is an acknowledgment of this power in such a person, and a voluntary submission. This voluntary submission is a duty, and that which God requires in the word *honour* in the fifth Commandment, and the Apostle from God, when he saith, *Let every soul be subject to the higher powers*. This submission is. 1. A resigning up of their own understanding, will and power unto the understanding, will and power of his Superiour, so far as God hath made him Superiour. By this submission he becomes his Vassal

Vaſſal and Servant, and renounceth other Lords and Maſters in that kind. Upon this ſubmiſſion follows either an obligation to obey juſt commands, or to ſuffer upon diſobedience. There are ſeveral kinds and alſo degrees of this objection: there is a ſubjection of Children to Parents, Servants to Maſters, Wives to Husbands, Schollars to their Teachers, Souldiers to their Commanders, People unto their Soveraigns, and of all unto God. And becauſe he is Supream, and we are wholly both in his power and under it alone, therefore ſubjection in the higheſt degree, and a total and an abſolute reſignation of our ſelves unto him, and him alone is due. And the truth is, no ſubmiſſion or ſubjection is due to any other, but all to him. For, when we ſubmit to other higher and lower lawful powers, we ſubmit unto him in them, who participate ſome portion of his power, not of their own. For, *there is no power but of God*, nay, there is no power but which is Gods. This ſubjection is not meerly to be under the predominant force and ſtrength, but alſo under the directing Wiſdom, and the juſtly commanding will of another. Thus far of ſubjection in general.

The ſubjection in this place is ſubjection to a publick power, and the ſame is. 1. Civil. 2. Eccleſiaſtical. 1. Civil ſubjection will be beſt known, if I firſt define a ſubject. 2. Conſider how many degrees Sect. 2.

and diſtinctions of Subjects there be. *Bodin* taking *Civis* and *Subditus* for the ſame, ſaith that *Civis eſt liber homo, qui ſummæ alterius poteſtati obligatur. De Rep. lib.* 1. *c.* 6. *Arniſæus* is more exact, for thus he defines Subjects; *Subditi ſunt partes Reipublicæ, quæ ſummæ poteſtati, quoad omnia, obligantur, pro quo omnibus juribus, & privilegiis fruuntur, Conſtit. Pol. cap.* 12. As for *Bodin*, he miſtakes much by confounding *Civis & ſubditus.* For though every Subject be *Civis*, yet every *Civis* is not a Subject. A perſon is ſaid to be *Civis* as a Member of a Community, before any form of Government be introduced. A Subject preſuppoſeth a Supream power determined, and thereupon being under that power becomes a Subject. The one is a Member of a Community, the other of a Common-Wealth. In the latter Definition we may obſerve. 1. The General. 2. The ſpecial Nature and Difference of a Subject. The general nature is, That Subjects are a part of the Common-Wealth. For, as you heard before, a Common-Wealth hath two parts: 1. The Soveraign. 2. The Subject. By parts, are meant Members or integral parts, which united, conſtitute and make up the Body of a State: wherein none can be found, but they are either Subjects or Soveraign. In this that they are parts, they differ not from the Soveraign, who is alſo a part, though the moſt eminent and principal. In the ſpecial nature thereof we may

may obſerve two things: 1. The duty of a Subject. 2. The benefit. The duty is implied in the Obligation, the benefit in the Enjoyment of ſome advantages. In the duty we may obſerve three things: 1. An Obligation. 2. The party to whom Subjects are obliged. 3. The meaſure of their Obligation. The Obligation, as I ſaid formerly, follows upon a ſubjection, and the ſubjection upon the deſigning of a Soveraign. For in a deſignation of a Soveraign by a general conſent, according to reaſon and Gods Ordination, men deprive themſelves of that unlimited liberty, which they had as Members of a Community, and bind themſelves to a certain rule and order of inferiority: they diveſt themſelves of ſome power, and take a lower place, and reſign themſelves up unto a Superiour will. Upon this reſignation, and from it they become ſubject, and by their very place are bound to ſubmit. So that this Obligation follows a kind of former ſubjection. But neither of the former Authors tell us, what the Act or thing is, to which they ſtand obliged, though both of them do imply it. And it is a conſtant ſubmiſſion and fidelity, and both voluntary. And though they may perhaps refuſe to give this ſubmiſſion and fidelity, yet they are bound to yeild it. This is the Obligation. 2. The party to whom they are bound is the Soveraign, and they mean the Civil Soveraign. And be-

cauſe they are bound unto this Soveraign in reſpect of his power, they expreſs the power, and imply the party inveſted with this power, and he cannot be a Soveraign, except his power be Supream and Univerſal in reſpect of the whole body of the Community; therefore they ſay Subjects are bound to the Supream Power; for though they are under the power of Officers and Inferiour Rulers, yet the power of ſuch is but the power of the Soveraign truſted in their hands for the exerciſe thereof. 'This Soveraign, as you heard before, may be either as the whole Community, reſerving the chief and radical power to themſelves; or perſonal, as a general repreſentative, or a chief and univerſal Magiſtrate. 3. The meaſure is *quoad omnia*, in reſpect of all things, as their Goods, Perſons, Lives, Actions in reference to the Publick good. Yet this Obligation muſt be legal as the Power is legal, regular and rightly bounded: For abſolute ſubmiſſion is due to God alone, according to the firſt Commandment of the firſt Table, a limited ſubmiſſion is only due to man according to the firſt Commandment of the ſecond Table: For man is firſt bound to God, and then to man in an inferiour degree; and every Subject as bound to man, is firſt bound to real Majeſty, and to ſeek the good of the whole, then to perſonal Majeſty, ſo far as it extends to the benefit of the whole, and no further: for as *Salus populi*, the good of the People

*Soveraign real.*

*Perſonal Meaſure of ſubjection rightly bounded.*

People is the chief end whereat all power should aim, so it's also the chief end of subjection. And according to the measure of the power is the measure of subjection: they must be Commensurable and Coadequate, neither less nor greater. As power must be just and conformable to the Laws of God, so subjection must be too, and we cannot be bound to submit in any thing that is unjust and unreasonable, neither ought we, neither is it wisdom to give too great, or an absolute power unto any, so as to destroy our propriety and just liberty. This is the duty.

The benefit follows, for no subjection Sect. 3.
but should aim at some good, and it's either unjust, or vain, if no benefit redound from it. The benefits here mentioned, are Rights and Priviledges. In every well constituted and well ordered State, there are certain general Rights, and also Priviledges both real and personal, which are not due unto Strangers. No rational people will subject themselves but upon condition of Protection both from wrongs within the State, and from violence of Foreigners, and so to better their Estate: For power being ordained of God, was intended for the good of the parties to be governed; For the Sword is put by God into the hands of higher powers, for to punish the Unjust, and protect the Just in their rights and due. As for Priviledges, he understands them in an unusual sence;

For Priviledges being reckoned amongst Laws, which were favourable, as opposed to such are called odious, and bring grievances, and charges upon the Subject, are usually made for the benefit of some single persons: For if they were general, as here they are taken, they were not priviledges properly, except in respect of Strangers of other States, which in that particular State none but the Subjects could enjoy. From this subjection it follows, that if the Soveraign require Fealty and Homage, he acknowledging his power must solemnly testifie it; and if it be demanded, confirm it by oath. For as Princes and personal Soveraigns swear to the people, so the people are bound to engage themselves to them again. And by this Oath of Fealty they renounce all other powers, not only Forreign but Domestick too. For upon what reason can protection be due, if the persons protected be not Faithful, and Loyal according to the constitution of the State. By this subjection, if the Soveraign make Laws, the Subject is bound to obey or suffer. And if the command be unjust, he is not bound to obey, because he subjected himself according to the Laws of Wisdome and Justice: Yet in such cases he being a subject, as a Subject, must be willing to suffer and not resist the power; for though the power be just, and we are bound to submit, yet we are not bound to obey the unjust Laws of

a juſt power. The Apoſtles would not obey the unjuſt commands of their Rulers, yet they did not reſiſt their power, but rather ſuffered, though unjuſtly perſecuted. By this ſubjection, the Subject is bound to maintain their higher Powers for the publick good and ſafety. *For this cauſe therefore* (ſaith the Apoſtle) *pay you Tribute alſo, for they are Gods Miniſters, attending continually upon this thing*, Rom. 13. 6. By this Subjection he is further bound to hazard, not only his Eſtate, but his Life and Perſon for the Soveraign, and the State in a time of publick danger. And all this muſt be done not for fear but Conſcience ſake. For ſubjection is a duty required by the Moral Law of God, and muſt be performed out of love, and in obedience unto God: and cannot be performed by any ſo fully as by a ſincere Chriſtian. And though we muſt pray for all men, yet eſpecially muſt we pray for them, 1 *Tim.* 2. 1. And in praying for them, we pray for our ſelves, and for our own peace. Honour alſo is due from Subjects to their Soveraigns by reaſon of their eminent Dignity, which ariſeth from their power. Contrary to theſe are diſhonouring, reviling, or vilifying the Higher Power, diſobedience to their juſt Laws, denying of Tribute and other dues; refuſing to hazzard Perſon or Eſtate for the Publick ſafety; revolting and infidelity, keeping Intelligence with Enemies; open Rebellion and Reſiſtance

ſiſtance of their Power; ſecret Treaſons and Conſpiracies againſt their Perſon, or other ways directly or indirectly. And the greateſt Treaſon and Rebellion, and Infidelity is that againſt the State it ſelf and real Majeſty; the next is that againſt perſonal Majeſty in the general Repreſentative of the whole Community; the next to that, is that againſt the perſon or perſons, upon whoſe ſafety the Peace and Happineſs of the People much depends. And that which is againſt Government in general, is far greater than that which is only againſt this, or that form in particular. Treaſon againſt Laws is more hainous than Treaſon againſt perſons: and Treaſon againſt the Fundamental Laws, than Treaſon againſt Laws for Adminiſtration. This Treaſon againſt the Fundamentals was charged upon the Earl of *Strafford*; and the perſonal Commands of the King could no ways excuſe him. Yet it was not thought fit that the Judgment paſt upon him, ſhould be made a Precedent for Inferiour Courts; becauſe none but a Parliament could judge of and declare the Conſtitution, and what was againſt it, and what not.

Sect. 4. And here I might take occaſion to ſpeak of Subjection unto Uſurped Power, and acting under it, of the continuance of this Obligation unto Subjection, and the diſſolution of it, of the Obligation, of the Oaths of Supremacy and Allegiance, the Proteſtation

ſtation, the Covenant and Engagement in reſpect of ſuch as have taken them. Of the Civil Wars of late, how far they tended unto the Diſſolution of the Government, and how far they did actually diſſolve it. Whether the warlike reſiſtance made by the Parliament againſt the King's Commiſſions and his party was Rebellion: and whether there was any legal certain Power that could juſtly challenge Subjection, or induce an obligation to it, ſince the commencement of the War: or whether the Power continued in the Parliament till the Members thereof were ſecluded: whether the Act of Akeration was a ſufficient ground of Obligation: or whether any of the Akerations made ſince, can be ſufficient for that purpoſe. But the diſtinct diſcuſſion hereof would require a great Volume, which I intend not. Neither if I ſhould preſume to deliver my judgment in theſe particulars, is there any probable hope of giving ſatisfaction, ſeeing ſo many men of Eminent Parts and Learning do ſo much differ in them. I can, and I ſhall pray that God would open our Eyes to ſee the Truth, and unite our Hearts in Love one towards another. 1. For Uſurpation, few do diſtinguiſh between the Uſurpation and manner of Acquiſition, and the power itſelf. For Power is Gods, and is always juſt, though it may be both acquired and exerciſed unjuſtly. There are alſo ſeveral kinds of Uſurpation, whereof ſome may be apparently

parently unjuſt, and ſome doubtful: And there is ſcarcely any power now in the Kingdoms and States of this World but were Uſurped, either by the preſent Poſſeſſors, or ſome of their Predeceſſors. Neither can the tract of time make them lawful without ſome rational conſent either tacit or expreſs, and ſomething of Divine Providence beſides. For ſupream power perſonal cannot be uſurped and poſſeſſed by any man without the Will of God, not only permitting, but acting and giving it too: not that he approves mans ſin, or can do any thing unjuſt, but for Reaſons juſt and good, known many times only to himſelf and not to us. For God hath made uſe of Uſurpers for to execute his judgements, and to do as much Juſtice as many lawful Succeſſors or Poſſeſſors, and may bleſs them temporally for their good ſervice, and yet puniſh them for their Ambition and unjuſt manner of ſeeking Power. By this he no ways doth warrant or encourage, or give the leaſt liberty to any one to uſurpe power unlawfully. We muſt in this point put a great difference between thoſe Uſurpations which are contrary to the Moral Laws of God, and ſuch as are only diſagreeing with humane Inſtitutions, which many times may be unjuſt. Suppoſe we deſire to have an Uſurper, or Uſurpers removed, yet we muſt conſider, whether removal may not do a far greater miſchief than our ſubmiſſion can poſſibly do.

do. When we do ſubmit, we muſt not ſo much look upon the unjuſt manner of acquiring the power, as at the power itſelf, which is from God; and we muſt conſider the neceſſity which Divine Providence hath brought us into, ſeeing he gives us no power, or opportunity to right our ſelves in reſpect of humane Titles, or free our ſelves from ſuch as we conceive Uſurpers, under whom he many times enjoys Protection, Peace, Juſtice, and the Goſpel. It's no Wiſdom to be ſo ready and raſh as to call every one Uſurper, which did not obtain his power according to the Fancies and Idea's of our own Brain, and to deny all power, when as they know, that if there ſhould not be power, and in the hands of ſome, and the ſame exerciſed too, all would come to ruin, and they themſelves could not eſcape. It may be obſerved, that the greateſt Uſurpers themſelves are readieſt to charge thoſe with Uſurpation which have juſtly diſpoſſeſſed them. Yet for all this we muſt not juſtifie Uſurpation that is truly and really Uſurpation, neither muſt we ſwallow Gudgeons, comply with every party, and ſail with every wind, as ſome are ready to do. Yet on the other hand, we muſt not be too ſcrupulous and pretend Conſcience, and yet make our Fancy or ſome humane Conſtitutions our Rule, and adhere unto them, as though they were Divine Inſtitutions. For ſome whilſt they refuſe either to ſubmit or act under a power

er in their conceit uſurped, they become guilty of more hainous Sin, and when they preſume they are faithful to ſome perſonal Majeſty, they prove unfaithful to Real, and their own dear Country, preferring the Intereſt of ſome Perſon, or Family, or perſons before the good of the whole body of the people, to whom they owe more than to any other. And whoſoever will not be faithful unto his own Country, cannot be faithful to any form of Government, or perſonal Governours. Yet, whoſoever will handle this point accurately, muſt firſt define what Uſurpation in general is. 2. How many kinds and differences of Uſurpation there be: and 3. What the particular Uſurpation is againſt which he argues; and 4. State the particular Caſe with all the Circumſtances.

Sect. 5. The continuance and diſſolution of a Legal Power is alſo to be obſerved. As for real Majeſty it always continues, whileſt the Community remains a Community; and ſubjection to this is due till it be deſtroyed. Subjection to perſonal Majeſty in a Repreſentative cannot in juſt things be denied, till a latter Repreſentative make their power void. The perſonal Majeſty of a King with us requires ſubjection, whilſt he lives, and governeth according to Law, but upon his Death, or upon Tyranny likewiſe, or acting to the diſſolution of the Fundamental Conſtitution, he ceaſeth to be a Soveraign, and the Obligation as to him

him ceaſeth. A Parliament turning into a Faction, acting above their Sphere, wronging King or People, cannot juſtly require, nor rationally expect for Subjection. And though private perſons cannot, yet the people by a latter and well ordered Parliament may both judge them, and call the Exorbitant Members to account. When a perſonal Soveraign cannot protect his Subjects, becauſe their Lives, Perſons, and Eſtates, are in the power of another, he cannot rationally require ſubjection, but for the time at leaſt he ſhould be willing to free them from Allegiance: and to let them make the beſt terms they can for themſelves. But voluntary Revolt or Rebellion cannot free them from this Obligation to their lawful Soveraign. In a word, ſo many ways as Majeſty and Soveraignty may be loſt, ſo many ways this Obligation may be diſſolved. Yet in all theſe Diſſolutions Subjects muſt remember, that their Obligation to God and their Country doth continue, when not only Perſonal Soveraigns, but alſo the Forms of Government are altered. There are juſt Cauſes and Reaſons of the Diſſolution of this Obligation, and there are alſo unjuſt pretences and grounds of denying Subjection. If any one of an innovating humour or deſire of alteration, or diſcontent with their preſent Governours, or conceits of falſe Titles, or an intention to advance ſome of their own party, or a belief that any forraign Prince or Prieſt can

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abſolve them from their Allegiance; or that their Soveraigns are wicked, or do not adminiſter juſtly, or are Tyrants, when they are not, or in any ſuch like caſe, ſhall ſeek to caſt off the Yoke, and think themſelves free, they muſt needs be guilty, and cannot be excuſed. Thoſe are the greateſt Offenders, who are Enemies to Government it ſelf under pretence of liberty, or impunity in their Crimes, vailed under the notion of ſelf-preſervation, or a reformation of ſome things amiſs.

Sect. 6. The Oaths of Allegiance and Supremacy could alter nothing in the Conſtitution; and both did preſuppoſe our Allegiance due to *England*, according to the fundamental Laws, and could neither take it away nor add any thing unto it. The Parliament by them might declare what was the Duty of every Subject. The occaſion of them both are well known; the end was to exclude all forraign Power in matter of Religion and civil Right, in both which the Pope had uſurped formerly, and might do ſo for future times, eſpecially, ſeeing many Subjects did incline ſo much unto the Sea of *Rome*. They ſeemed to bind the Subjects, taking them not only to the preſent Kings or Queens, but their Heirs and Succeſſors. For the King might have Heirs and Succeſſors; and he might have no Heirs, and yet have Succeſſors. For Queen *Elizabeth* had no Heir or Heirs, but a Succeſſor ſhe had. Yet, becauſe the Crown

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is not entailed by common Law, and the fundamental Rule, as ſome tell us, therefore none is a Succeſſor till he be deſigned, and actually inveſted and acknowledged, and till then the Oaths were not adminiſtred to be taken by any particular ſubject. The Oath taken to the former Prince, if once removed by Death or ſome other way, though it expreſſed Heirs and Succeſſors, was not thought ſufficient: it muſt be taken anew unto the preſent Succeſſor by Name. Yet, if the Crown had been entailed, or the King's proper Fee by Inheritance, this ſeems to be needleſs. One reaſon of theſe words inſerted ſeems to be this, that ſeeing Succeſſion and Election was uſually in a Line, it was intended by them to exclude Pretenders, and all Power of the Pope, or any other to diſpoſe of the Crown when the former Poſſeſſor was removed or deceaſed: yet they did not ſo tye us to be faithful unto the Power of *England*, to be exerciſed by King, Peers, and Commons: as that it were unlawful to be true and faithful unto the Community of *England*, though under another form. The Obligation to our Country was far higher, and fidelity to it was due by the Laws of God and Nature, ſo that we muſt ſeek the good thereof, though the Government was altered. Fidelity unto the Community is firſt due; Fidelity to it under ſome form of Government was the ſecond; Fidelity unto it as under that form by King, Peers, and Com-

mons was the third; Fidelity unto the person of the King is the last, and presupposeth the former: whosoever understands and takes them otherwise, perverts the true meaning, and makes them unlawful. The Protestation and Covenant were made in a time of danger and distraction, and did include or presuppose the former Obligations: yet the Protestation superadded something concerning the Protestant Doctrine of the Church of *England* to be maintain'd, and the Covenant something of Discipline as to be performed, and both extended to the preservation of the peace and union of the three Kingdoms: Neither of them did allow any unlawful means to compass these ends: Neither of them could take away our Obligation to our Country, and destroy our English Primary Interest, but it remains entire: and since all the alterations made afterwards, we are as much as ever bound to seek and promote the same; and whosoever will refuse to do so, upon pretence of these Oathes, the Protestation and the Covenant, he is Traytor to the common good of the Nation. For as there is a positive, so there is a negative Infidelity. For though such did not use any means positive to destroy it, yet they neglect it, and if every one should do as they do, sit still and look on, and do nothing, it would certainly come to ruin, and fall into the hands of those who are their Mortal Enemies.

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The late Civil Wars in *England* did not only tend unto the Diſſolution of the Government, but actually for that time diſſolve it. For if the firſt Supream Power perſonally was in King, Peers, and Commons joyntly, then it follows, that when the King forſook the Parliament, and refuſed to act joyntly with them, it was diſſolved, much more when he ſet up his Standard, and granted the Commiſſion of Array and fought againſt them. For then there were two contrary Powers and Supream Commands, and the Subjects in ſtrict ſenſe were not bound to obey either. And the Parliament did declare, that *whenſoever the King ſhould make War upon them, it was a breach of the truſt repoſed in him by his People, contrary to his Oath, and tended to the Diſſolution of the Government.* If the Government was diſſolved, it will follow that the Subjects were freed from their Allegiance, yet the Allegiance due to the Community of *England* did continue; and every one was bound to adhere to the juſt party according to the Laws of God, though in doing ſo, they could not obſerve the Laws of men. And whoſoever did oppoſe that juſt party, did render themſelves for ever uncapable of the benefit of the Engliſh protection, and were *ipſo facto* Enemies to their own Country, their own peace and ſafety. Yet the Parliament did not declare, that upon a War made upon them, the Government was actually diſſolved; Sect. 17. 1

because though that War tended to the dissolution thereof, yet they conceiv'd that the form did remain still in King, Peers, and Commons; and a considerable party of the Lords and Commons remained in the place, whither they were summon'd by the King, and by vertue of the Act of Continuance continued a Parliament, and that the King's power was virtually in the two Houses: Yet in this they passed above the Letter of the Law, and followed the Rules of Equity and Reason; and perhaps they had some hopes of rectifying the King, and had no intention to alter the form, if they could preserve it, and keep it up. But all their Wisdom and Endeavours could not prevent the Judgment, that God intended to execute.

Sect. 8. Whether the warlike resistance made by the Parliament against the King, against his Commissions, against his party was a Rebellion? The King did declare it to be Rebellion, and proclaimed the Parliament-party Rebels and Traytors, yet he did not declare the Parliament to be Rebellious: For so to have done had been offensive to his own party, and he had a considerable party perhaps in both the Houses: and if he did acknowledge it to be a Parliament, in condemning them he must have condemned himself, because he was an essential Member of the same. Neither did the Parliament profess they fought against, but for the King. Yet, if they fought against such

such as were commissioned by the King, they fought against the King, and, if the King declared the Parliaments party to be Rebels and Traytors, he must needs judge the Parliament guilty; because as he in his War was the principal Agent, so they on their side were too. This gave occasion of curious distinctions. For men did distinguish between *Charles Stewart* and the King, betwen his regal and his personal Capacity: and on the other side, between the Parliament and a party in the Parliament, though the whole Parliament did Commission and Arm. Thus they found a difference between the King and himself, and the Parliament and itself. These distinctions were not altogether false: yet though *Charles Stewart* and the King, and so the Parliament, and a party in the Parliament might be distinguished, yet they could not be separated. And woe unto the people that is brought into such straights and perplexities. For if they kill *Charles Stewart*, they kill the King; and if the King destroy that party in the Parliament, he destroys the Parliament. But to return unto the Question; it's one thing to be Rebellion, another to be judged Rebellion. For that may be judged Rebellion, which is not such, and the same thing may be justified by one and condemned by another. *Arnisæus* handles this matter at large, and makes the Question in general to be this: *Whether upon any Cause whatsoever, it is lawful for the*

*Subjects to resist, or take up Arms against their lawful Soveraign?* When he hath stated the Question, he determines upon the Negative, and proves it. In stating the Question, he seems to define a Subject to be one, who hath given his Allegiance to his lawful Prince. But what he means *per fidem datam*, is not made so clear. Then he distinguisheth of Princes. For, 1. There are *Regna pactionata*, where Princes are made upon condition. 2. There are *Regna absoluta*, where the Princes are absolute. 3. There are Tyrants, and that of two sorts: 1. In Title, as Usurpers. 2. In Exercise. These distinctions being made, he grants, That Princes upon condition may be resisted for their ill Administration. 2. That Tyrants in Title, before the Subjects bind themselves unto them, may be opposed. 3. That Tyrants in Exercise may be deposed, and that by their Tyranny, *excidunt jure suo etsi hæreditario*, divests themselves of their power, though hereditary. 4. That absolute Soveraigns who have *potestatem non delegatam, sed transfusam*, cannot be resisted lawfully, though they be vicious, and their Administrations impious and unjust, if it reach not Tyranny, which is directly against the Laws and Rules of Government, and tends to the destruction of the Common-wealth. But in all this Discourse he doth not produce any Authentical Record, Fundamental Charter for these absolute Soveraigns, which have *omnem & omnimodam*

*dam poteſtatem à populo transfuſam.* As for that *Roman* transfuſion of power upon the Emperours, it's an uncertain thing: *Lex Regia* doth no where appear, it's doubted of many, as it is denied by many. And ſuppoſe that people ſhould be ſo unwiſe, what's that to others? He ſeems to contradict his own Definition of a ſubject, which I formerly explained, he miſtakes moſt groſly the Conſtitution of ſome States, wherein he inſtanceth, *Whoſoever will determine this Controverſie, or debate it to purpoſe, he muſt,* 1. *Define Subjection, and declare the ſeveral degrees of it, according to the ſeveral Conſtitutions of Common-weals.* 2. *If he inſtance in a particular State, he muſt certainly know the Fundamental Laws thereof, and truly expreſs them.* 3. *He muſt put the caſe aright, and ſtate the Queſtion, hic & nunc & rebus ſic ſtantibus.* This reſiſtance, if Rebellion muſt be an act of a Subject, as a Subject; and that cannot be but againſt his Soveraign, as his lawful Soveraign according to the Laws of God and juſt Laws of Men. And no man is able to juſtifie the Reſiſtance of a Subject, as a Subject. The Queſtion is therefore, *Whether he that is a Soveraign may not be in ſome caſe reſiſted by the people, and if he may, in what caſe a reſiſtance is lawful and free from the guilt of Rebellion?* Our Caſe in *England* is extraordinary, and not eaſily known by many of our own, much leſs by ſtrangers not acquainted with our Government. The Reſiſtance in the

late Wars, was not the first that was made against the Kings of *England*, by the people of *England*, though it differed from all the former. The difference was between the King and Parliament, whereof he was a part, yet severing himself from the whole body. And the Parliament was no Subject, considered as a Parliament, for then the King himself being an essential part thereof should be a Subject. As he was divided willingly or wilfully from it, he could be no King, no Soveraign. For if the power was in the King and Parliament joyntly, it could not be in him alone. Besides, when there is no Parliament, we know he is a King by Law, and the Kingdom is *Regnum pactionatum non absolutum*. If he make himself absolute, by that very act he makes himself no King of *England*. For the common and fundamental Law knows no such King. Yet this was all either he or his party could say to justifie themselves. If he say the Militia was his, the Parliament will say it's theirs as well as his, and except he be absolute, it must needs be so. For if the supream power be in King, Peers, and Commons joyntly, the Militia, which is an essential part of this power, could not be his alone. The Parliament conceived that when he left them he left his power with them, & if that could be made good by the Fundamental Constitution, then all *England* was bound to subject to them for the time, and obey their just Commands.

And

And, if it were not ſo, how could all ſuch as took up Arms with the King againſt them be adjudged Traytors, as they were. If theſe things be ſo, there could be no Rebellion upon the Parliaments ſide, becauſe according to the Rules the Parliament was no Subject, the King then, ſeparated from the Parliament, refuſing to Act with them, Acting and Warring againſt them, was no Soveraign. The Queſtion in the time of thoſe bloody and unnatural Diſſentions, was ſtated ſeveral ways: as, Whether it was Rebellion in Subjects Commiſſioned by the Parliament to reſiſt evil Counſellours, Agents, Miniſters of State, and Delinquents, ſheltring themſelves under the King as divided from the Parliament, and acting againſt the Laws by his Commiſſions? or, Whether the Parliament of *England* lawfully Aſſembled, where the King virtually is, may by Arms defend the Religion eſtabliſhed by the ſame Power, together with the Laws and Liberties of the Nation, againſt Delinquents, detaining with them the Kings ſeduced perſon? or, Whether the Parliament might not grant a Commiſſion to the Earl of *Eſſex* by a force to apprehend Delinquents about the King to bring them to a due Tryal, and this even againſt the perſonal will of the King? Or, whether after the Parliament had paſſed a Judgment againſt the King, they might not lawfully give Commiſſion to General *Fair-*

*fax*

*faxe*, to apprehend the Kings perſon, and bring him to the Parliament? or, Suppoſing the King to be an Abſolute Monarch, whether any of theſe things could be done by any Commiſſion from the Parliament, as the Condition of the Kingdom ſtood at that time? Thus and ſeveral ways was the Queſtion then ſtated and debated. But the Truth is, that if the Fundamental Government be by King, Peers, and Commons joyntly, and that neither the Parliament, conſiſting of theſe three States, nor the Parliament as diſtinct from the King, nor the King as divided from the Parliament could alter this Conſtitution, nor lawfully act any thing contrary unto it, then ſo ſoon as the Commiſſion of Array on one ſide, and of the Militia on the other were iſſued out, and were put in Execution, the Subjects in ſtrict ſenſe were freed from their Allegiance. And if they acted upon either ſide, their actings were juſt or unjuſt, as they were agreeable or diſagreeable to the Fundamental Laws, and the general and principal end of Government. For even then their ſubjection to the Laws of God, and Fundamental Conſtitution of the Kingdom did continue: and they were even then moſt of all bound to endeavour with all their power the good and preſervation of their Country bleeding, and conflicting with the pangs of Death. And in that cauſe no man was bound too ſcrupulouſly to obſerve

ſerve the petty Rules of our ordinary adminiſtration, which were proper for a time of Peace, which could not help but hinder her recovery. In ſuch an extraordinary caſe, many extraordinary things, if not in themſelves unjuſt, might have been done to prevent her ruine. And if the Parliament had gone at firſt far higher than they did, they had prevented the ruin of the King, the diſ-inheriſon of His Children, and very much effuſion of blood which followed afterwards. The buſineſs then was eaſie, which afterwards became difficult and could not be effected but with the loſs of many thouſands, and the hazard of themſelves: for their Cauſe at firſt was well reſented and had many advantages, but was much prejudicial by too much intermedling with Religion, and making ſome alterations in the Church before the time.

The next Queſtion is, whether ſince the Commencement of the War, there was any certain ordinary legal Power, which could induce an Obligation, or there was any ſuch Power after the Wars was begun, it continued after the War was ended till the ſecluding of the Members, and upon that ſecluſion ceaſed. The anſwer unto theſe two Queſtions ſeems not to be difficult. For there neither was, nor could be any ſuch certain ordinary legal Power, which could in the ſtrict letter of the Law bind all Engliſh Subjects to ſubjection. For, during Sect. 9.

during a Parliament, this binding power is in King, Peers, and Commons joyntly: in the Intervals of Parliament, its in the King acting according to the Laws of Administration. But all this while, nay to this day, there is no such Parliament, no such King. And both in the time of the Wars and after, both King and Parliament acted not only above but contrary to many of our Laws, which in the time of Peace are ordinarily observed. Neither of them could give us any Precedent for many things done by them: and those few Precedents alledged for some of their Actions were extraordinary, and Acts of extraordinary times. If the Counties and People of *England* had not been ignorant and divided, the division of King and Parliament did give them far greater power than they, or their Forefathers had for many years. But it did not seem good to the Eternal Wise and Just Providence to make them so happy. Punished we must be, that was his sentence, and punished we have been, yet few of us receive correction, or return to him that Smote us. Some think an ordinary power continued on foot till the Members were secluded, yet there was no such thing; for the two Houses could not according to ordinary Rules exercise the Ordinary power of the King, though they might use his name, and did so contrary unto his consent. If they should alledge that his power was forfeited and did di-

volve

volve upon them, that would be hard to prove. We know well enough, if it be not in him, where it is: it could no ways be in them but for the exerciſe, and in them for that end it was an extraordinary way. Some would ſay, that if the King was dead either naturally or in Law, a Parliament muſt inſtantly diſſolve and be no Parliament, becauſe there was wanting an eſſential part. The act of continuance could not help them in this caſe, for it preſuppoſed all the three eſſential parts. Neither could any particular Parliament enact, that there ſhould be a Parliament without all the three eſſential members. If they ſhould make any ſuch Act, by a following Parliament it may be repealed, and the parties in the name of the People of *England*, called to account for altering the Fundamental Government. For we muſt not favour on particular Parliament, ſo as to wrong all *England*, or ſuffer any ill example to be given. Yet, if ever any Parliament did deſerve not only to be pardoned, if they did ſome things amiſs, but to be rewarded for their ſervice, ſurely this Parliament did: for never any ſuffered more even from him who ſummoned them, and from them who choſe the particular Members: Never any was brought into the like ſtraits: I mean, that this reſpect was to be had to the upright party. But, if there was no ordinary power, what muſt the people do in ſuch a caſe and diſtracted condition

dition? In this I will give mine opinion in that which follows.

Sect. 10. Whether could the Act of alteration, which required the ingagement or any of the alterations, which followed, introduce an Obligation to Subjection? The anſwer is, they could not in any ordinary way do any ſuch thing. For if the conſtitution was diſſolved, and the perſonal Majeſty forfeited, it muſt devolve unto the people, and no Parliament, nor part of a Parliament, or any other perſon but the people could either alter the former Government nor Model a new one: For according to the general principles of Government, the right of Conſtitution, Alteration, Abolition, Reformation is the right of real Majeſty; if it be not their right, then the people may be bound to Subjection without their conſent. A Parliament may declare it, but ſome make it a Queſtion whether their Declaration be binding? If they who required the engagement did intend to exclude a King, who ſhould ſeparate from them, or refuſe to act with them, or challenge an Abſolute power. 2. To aboliſh the Houſe of Lords, as diſtinct from that of the Commons with a Negative Voyce in Legiſlation, and of ſuch Lords as were Lords by Writ or Patent only. 3. To declare that upon a diſſolution the power was devolved to the people, it was the more tolerable, Yet who gave them power to do this, or declare this? When I mention the people

of

of *England* as the primary ſubject of Power, and the heir of real Majeſty, I mean the rational judicial party; for no conſent of people, that is not rational and agreeable to the Laws of God, is of any force. And I exclude not only ſuch as are barely Members virtually, but all Rebels, Traytors, and malignant perſons. For in the midſt of theſe Bloody diſtractions, and perplexity of minds, there was a *Senior pars*, a rational judicious party that unfeignedly deſired the Peace, Welfare, and happineſs of *England*. And, when many Members of a Community are inſufficient of themſelves to judge, what is juſt and good,& many of them perverted,the power remains in *parte ſaniore, aut in parte hujus partis valentiore*; and in thoſe, who upon right information ſhall conſent with them. For many who are not able of themſelves to judge, yet when they are rightly informed, are willing to conſent. But to return unto the former Queſtion, ſeeing there was no ordinary power, which could introduce any ſtrict Obligation, what muſt the People do in ſuch a Caſe? What's their duty? The Anſwer is, That though there was no Ordinary, yet there was an Extraordinary Power ever ſince the Wars were ended to this day, which they were bound to obey. For, 1. Seeing the Community of *England* did remain, and in the ſame better party, Real Majeſty did continue. 2. The Fundamental Government

*The rational part of a people the heir of real Majeſty.*

ment could not be diſſolved by one King and one Parliament, though they both had agreed to do it. For, though as to them it was actually diſſolved, yet the right might remain virtually in the Community; I mean, a right to continue it, if they pleaſed. 3. As the Caſe now is, and was ſince the Wars were ended, this Fundamental Government could not be ſo reſtored as to Act. 4. All parties did agree that there ſhould be a Government and a Power for Protection, and Adminiſtration of Juſtice; but the difference was, what the Model ſhould be and moſt of all, who ſhould Exerciſe this Power. Some did challenge and ſeek it for themſelves, ſome for their Friends, whom they conceived to favour their party and intereſt. For many of the Royaliſts were for the late Kings Eldeſt Son, not ſo much for the Publick good, as for the private intereſt: and many other parties were guilty of the very ſame crime. 5. Government it ſelf for the ſubſtance is more material, than this or that form, and the Exerciſe of Power, than the Exerciſe by ſuch or ſuch particular Perſons. For, if there be not a Governing Power, and ſome to Exerciſe it, and the reſt to ſubmit, there can be no protection from Enemies, no Juſtice, no Order, but a meer Anarchy, upon which a ruin inſtantly and unavoidably will follow. For prevention whereof much may be done, which in a time of ſafety would be utterly unlawful. The

people

people may ſubmit to any, whom they ſhall conceive ſhall be able to protect them, and willing to preſerve the Laws for Adminiſtration of Juſtice. They need not ſtand upon doubtful Titles, nor Quiddities in Law, but may do what they can do, ſo that it be not unjuſt by the moral Laws of God. 6. Seeing ſome particular Government was neceſſary, and all rational men did agree in this, therefore there was an obligation to ſubjection, and every particular perſon was bound to ſubmit unto the preſent power, under which they enjoyed the benefit of the Laws, and protection both from publick Enemies and private Injuſtice. This is not ſo to be underſtood, as though every one or any ought to reſt in this extraordinary condition, but to deſire and endeavour to reſtore the firſt conſtitution freed from corruption, or ſome part or degrees of it, and proceed by little and little, as God in divine providence ſhall prepare the people for it, and enable us to introduce it and ſettle it. But ſtill we muſt prefer the publick good before any particular form of Government, and ſeriouſly conſider what is beſt to be done for the preſent. For, when we cannot do what we will, we muſt be willing to do what we can; whoſoever will not ſubmit in ſuch a caſe, nay, and act too for the publick good and intereſt of his dear Country, muſt needs be guilty before God,

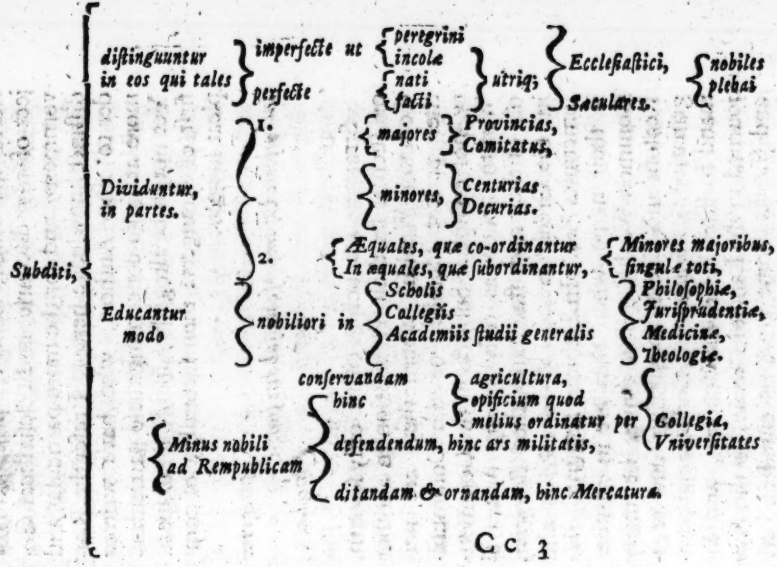
as not loving God, and his publick Neighbour as they are bound to do. It was a juſt reſolution and profeſſion of ſome, who returned to act in Parliament, after the Members were ſecluded, and the King put to death, and ſaid though they did not like and approve of ſome things already done, yet they would joyn cordially with the reſt to promote the publick good for future times. So likewiſe the Judges, after another great alteration was made, debating what to do, they unanimouſly agreed to act, becauſe there was a neceſſity that Juſtice ſhould be adminiſtred unto the people, and the Laws kept in force. They did not think it fit to demur and delay till the names of King and Parliament ſhould be put in their Commiſſion: they knew they were not eſſential to Juſtice, or neceſſary, or ſo much as conducing to the adminiſtration thereof, as the caſe then was. Neither did they ſcruple to undertake the work, becauſe of the former Oaths, Proteſtation, Covenant, Engagement: for, if theſe did tye their hands from doing God and their Country ſervice, they knew they muſt be *vincula iniquitatis*, but ſo they did not underſtand them. The ſum is, there was an extraordinary power, beſides the Allegiance due unto God and our Country, and therefore ſubjection was due from all *Engliſh* men. Let us ſuppoſe an *Inter-regnum*, as there hath been, is and in part will be till we be more

more fully ſettled, and the power ordinary brought into a conſtant channel, will any man doubt or fear to ſubmit and act, becauſe he conceives things are not ordered according to his mind? And ſhall there be no Government, no ſubmiſſion till he be ſatisfied, and his *Idea* eſtabliſhed? Suppoſe all ſhould do ſo, eſpecially ſuch as are of parts and ability, what will become of us all? Let wiſe men conſider what would be the conſequents thereof. It's true, no party ſhould engroſs the power to the prejudice of our Liberty and the publick good; yet we muſt ſtay God's time, and uſe ſuch means as may ſtand with the publick ſafety. Some kind of remedies may at ſome times help, which at another may do miſchief, not cure, but kill. We ſhould remember that it's not committed to man but reſerved by God unto himſelf to diſpoſe of the Kingdoms and States of the World. It's not in our power to have and chuſe what Government and Governours we will. That we, after ſuch bloody Wars and bitter Diſſentions have not a ſettled State, it's God's Judgments upon us for our ſins; that for the preſent we enjoy peace and the Goſpel, it's his unſpeakable mercy: *Let every ſoul therefore be ſubject to the higher powers, for there is no power but of God: the powers that be, are ordained of God. Let us ſubmit our ſelves to every ordinance of man for the Lord's ſake, whether to the king as ſupream, or unto governours, as*

*unto them who are ſent by him for the puniſhment of evil-doers, and the praiſe of them that do well.* Where, amongſt other things, theſe are obſervable, That Governours, and Government are of God. 2. That the end of Government is the puniſhment of Evil-doers, and the praiſe and protection of them that do well. 3. That Governours are ſupreme and ſubordinate. For by κτίσις ἀνθρωπίνη, turned ordinance of man, is meant, Civil Government molded by man, and Governours deſigned and created by man to rule over man. 4. That ſubjection to theſe is due by Divine Law and Ordination. Theſe things I thought good to deliver, and to expreſs my mind briefly in the matter of ſubjection, and do humbly in this (as in all the reſt) ſubmit to wiſer men; and my intention is peace, and my end the publick good; which I with a ſingle heart deſire to promote, without any inclination to a Faction or Party.

The Authors of Politicks ſpeak of the diſtinction, diviſion, and education of ſubjects; and though ſome of theſe belong to a Community, or are preſuppoſed before a Community can be compleat, ſome of them are reduceable to adminiſtration, the ſecond part of this Art: yet I will briefly handle them in this place, becauſe they are accidents to *pars ſubdita*. 2. Becauſe they prepare the Subject for Government, and ſo facilitate Adminiſtration. The method is this:

*Subditi*,


Subditi,
distinguuntur in eos qui tales
imperfecte
perfecte
ut
peregrini
incolæ
nati
facti
utriq;
Ecclesiastici,
Seculares.
nobiles
plebei
Dividuntur, in partes.
1.
majores
Provincias,
Comitatus,
minores,
Centurias
Decurias.
2.
Æquales, quæ co-ordinantur
In æquales, quæ subordinantur,
Minores majoribus,
singulæ toti,
Educantur modo
nobiliori in
Scholis
Collegiis
Academiis studii generalis
Philosophiæ,
Jurisprudentiæ,
Medicinæ,
Theologiæ.
Minus nobili ad Rempublicam
conservandam
hinc
agricultura,
opificium quod melius ordinatur per
Collegia,
Universitates
defendendum, hinc ars militatis,
ditandam & ornandam, hinc Mercatura.



This

This, though not ſo accurate, is ſufficient for my deſign, ſeeing the principal ſubject of my diſcourſe is Eccleſiaſtical Government, and for the more particular and diſtinct knowledge hereof, I refer the Reader to other Authors, who have written more at large concerning theſe particulars. Yet not to be altogether ſilent, let us ſpeak firſt of ſtrangers: then ſecondly, of compleat ſubjects.

*Incomplete & imperfecte ſubditi ſunt* { *peregrini* / *incolæ.*

Strangers are ſuch as either only ſojourn, or ſuch as fix their Habitation in another Common-Wealth, where they are neither perfect Members of the Community, nor compleat Subjects of the Common-Wealth. Such as only ſojourn or travel out of their own ſtate, are called *Peregrini*, in the Greek ἀπόδημοι ϗ παροικίδημοι, and ſometimes ξένοι. In Hebrew תושבים, this is their name when they are in another Common-Wealth. There may be many Reaſons and Cauſes ſojourning and peregrination. *Abraham* by Gods ſpecial command forſook his own Country, and ſojourned in the Land of *Canaan*, ſo did *Iſaac* and *Jacob*. Some are perſecuted and fly from their own Country for ſafety and ſhelter; ſome guilty perſons fly for to avoid puniſhment; ſome ſojourn for ſuccour in a time of Famine, as *Iſrael* in *Ægypt*; ſome

live

live in Forraign Nations for Traffick; ſome for to improve their Knowledge and gain Experience in ſeveral kinds of Profeſſions. To ſuch we owe much of our skill in Trades, ſeveral Workmanſhips, in Learning, in Geography, in the nature of their Soyl, Buildings, Military Art; the Manners and Cuſtoms of ſeveral Nations, the Diſpoſition and Nature of the Inhabitants, in the Model of States, in the manner of Adminiſtrations. Some converſe in other States to learn Faſhions, or Wickedneſs; ſome as Spies and Intelligencers. The ends and the events are therefore ſeveral. Some are good and benificial to themſelves, to their Country, to other Nations. The Iſſue of ſome mens Travel is Vanity, or Vice, or Miſchief. There are Strangers, who do not meerly Travel and Sojourn, but alſo fix their Habitation in other States; theſe are called *Advenæ incolæ*, and in Greek Ἰερεῖς, in Hebrew גרים, though the word be uſed for Pilgrims and Sojourners. Neither of theſe are properly Subjects of that State where they live, yet they ought to carry themſelves fairly, and not do any thing to the prejudice of the Laws or Government of the places where they do converſe: and according to their good carriage they are to be uſed civilly. It was Gods charge to *Iſrael* to uſe Strangers well, becauſe they themſelves had been Strangers in the Land of *Ægypt*. For Strangers are uſed ſtrangely, and in Forraign Coun-

tries exposed to many abuses and dangers. But special kindness is to be shewed to such as are miserable, and fly for Religion, or for protection. The Magistrate of every Common-Wealth should have a special eye upon these Strangers, and enquire into their carriage and their practice. To receive too great multitudes of them, may be dangerous, and some may do mischief, either by corrupting the Subjects, or seeking to betray the State. Neither is it safe to naturalize many of them, much less to advance them to places of Power and Trust, which must needs offend the Subjects and and Natives, especially when these are favoured and prefered, and the other are neglected. The Judgment of God upon the *Jew* in this respect is very heavy; for they are commonly hated in all places, and not suffered to inhabite in any Nations, and where they are permitted to dwell and trade, hard terms are put upon them.

Sect. 12. *Perfecte & plene subditi sunt* { *nati.* / *facti.*

There are besides Strangers, such as are properly and compleatly subjects, who according to their subjection enjoy the benefit of protection, the rights and priviledges of Subjects. Yet there is a great difference amongst these, according to the several constitutions of States. For, some are far more

more free and enjoy far greater priviledges, as the *Roman* Subjects did, as is evident in *Paul*, who ſaid to the *Centurion*, *Is it lawful for you to ſcourge a man that is a Roman and uncondemned?* Acts 22. 25. For a *Roman* could neither be condemned unheard, nor ſcourged, if not condemned. Theſe had divers other priviledges, which the Provincial Subjects had not before they were infranchiſed. The Subjects of *England*, if they enjoy their right, are more free then the Subjects of *France* or *Spain*, and divers other Countries. Some are little better than Slaves, eſpecially ſuch as live under Deſpotical Soveraigns. The right and priviledges of Subjects are acquired ſeveral ways, which may be reduced to two. For ſome are ſuch by birth, which are called *Cives originarii*, ſome by allection. This diſtinction is the ſame with natural and naturalized, as you heard in the Doctrine of a Community. This diſtinction is implied in theſe words of the chief Captain *Lyſias*, ſaying, *With a great ſumm obtained I this freedom*; and of *Paul*, who anſwered, *but I was free born*, Acts 22. 28. The ſeas Subjects were eſſentially the ſame, and if either ſhould as ſuch be perferred, the native Subject *cæteris paribus* had the priority. Subjects alſo as Subjects are equal, though in divers other reſpects accidental unto them, they may be very unequal; ſome may have ſpecial priviledges; ſome may be Officers, and by vertue of their Office

Office have their priviledges. Here ſome take occaſion to ſpeak of the multitude and paucity of Subjects in the ſame Territory and State. If they be few, they may receive Fugitives and adopt Strangers, as *Romulus* did. If they be too many, they may ſend out Colonies, and make new Plantations. If the multitude be not too great, it's the honour of the Soveraign and ſafety of the State; if too few, it's the weakneſs of a Nation, and a danger of deſtruction. For, in the multitude of people is the King's honour, but in the want of people is the deſtruction of the Prince, *Prov.* 14. 28. Yet this is to be underſtood of a multitude well qualified and ordered by a good Prince. For, Tyrants and Oppreſſours waſte and deſtroy their people to their own ruin.

Sect. 13. There is another diſtinction of Subjects, for they are { *Eccleſiaſtici*, *Sæculares*.

By Eccleſiaſtical perſons are underſtood, ſuch as are indeed Subjects, yet their Office and Work is in matters of Religion; they act between God and Man, as Meſſengers and Mediators between them. They deliver God's mind to men, and offer mens Prayers and Gifts to God. They officiate in Divine Services, and that's their chiefeſt Work. They are ſingled out from amongſt men to direct others unto eternal Life. Theſe anciently were called Prieſts, and

and their place was honourable: yet there was an imparity amongſt themſelves. In the New Teſtament, theſe Eccleſiaſtical perſons never called Ἱερεῖς, Prieſts, but Miniſters of the Goſpel, or Presbyters: under which words are ſignified all Apoſtles, Prophets, Evangeliſts, Paſtours and Teachers. So that the word *Prieſt* was only given to Chriſt or *Melchiſedeck*; or the Levitical Pontiffs and Miniſters, or ſome Heatheniſh Sacrificer. Yet in after-times, becauſe the Sacrament of the Euchariſt was a Commemoration of the Sacrifice of Chriſt, therefore in reſpect thereof the Table was called an Altar, and the Miniſter a Prieſt. At length, the Church of *Rome* turned the Sacrament into a Sacrifice, properly ſo called, and the Miniſter into a Prieſt. And this was the original of the Maſs. This Eccleſiaſtical Function was inſtituted by God, and very honourable both in that reſpect, and alſo becauſe their work is ſo excellent and neceſſary: for upon it under God, Religion and the benefits of Religion both private and publick, temporal and eternal do much depend. To theſe by divine Commands Maintenance is due from the people, and they have been much honoured in well conſtituted States with many priviledges and immunities. But their own unworthineſs, and the prophaneneſs of the people have much debaſed them. Yet, good Miniſters with good people will be much

*The Sacrament what*

much eſteemed to the World's end: and when the chief Shepheard ſhall appear, *They ſhall receive a crown of glory, which fadeth not away*, 1 Pet. 5. 4. Theſe were accounted as a diſtinct and eminent Order of Subjects, as they were ſolemnly ordained. The reſt of the ſubjects and the Soveraign, in reſpect of theſe, have the name of *Seculars*, and the Subjects are called *Laicks*, or Lay-people. This diſtinction is not ſo to be underſtood, as though the reſt of the people had nothing to do with Religion. For they are bound to ſerve their God, and ſeek Eternal Life, which that they might attain, this ſpiritual Office was ordained from Heaven. And every ſanctified perſon is a Prieſt to offer ſpiritual Sacrifice to God. Yet, this doth not make any ſuch perſon a Miniſter and publick Officer of Chriſt, who muſt ſequeſter himſelf from worldly buſineſs more than other men to tend his Calling, to which he is conſecrated and ſolemnly devoted. With this diſtinction agrees that of the Clergy and Laity. Whence the name *Clerus*, the Clergy for the Miniſtry, ſhould have its original, is uncertain. The people of *Iſrael* ſanctified and conſecrated unto God, were call'd κληρος, the *Lot* or *Inheritance* of God, and the Prieſts and Miniſters were the eminent party of this Lot and people. For the people as diſtinct from the Paſtours are called the *Clergy*, *Lot*, or *Heritage* of God, 1 *Pet.* 5. 3. in which it can-

cannot be proper to the Miniſters. It's true, that the firſt Officer made by the Church after that Chriſt was glorified, was made by Lot, *For the Lot, that is (Cleros)* fell upon *Matthias*, Acts 1. 26. From whence ſome think the ſyſtem of *Presbyters* and Deacons, were called the Clergy κληρος, and κληρικος, ſignify one made and an Officer by Lot. As for Laity, we find often in the Old Teſtament, the people as diſtinct from the *Prieſts* and *Levites*, called λαος, the Laity. The Apoſtle and ſeventy Diſciples were diſtinguiſhed from the reſt of the Diſciples and Believers. The Apoſtles, Prophets, Evangeliſts, Paſtours and Teachers, were different orders from the reſt of the Church. The twenty four Elders, which ſignifie the *Prieſts* and *Levites* divided into orders by Lot, were diſtinct from the four Beaſts, that is the main body of the Church: but theſe are days of confuſion and diſorder. Every one will be a Prophet and a Teacher, either preſuming upon their gifts, yet ſcorning to engage themſelves for the ſervice of Chriſt in the poor and much deſpiſed Miniſtery; or pretending blaſphemouſly to the Spirit, which God never gave them. There

is another diſtinction of Subjects—in { *Nobiles*, / *Plebæos.*

Some are Noble, ſome of a lower Form and Rank, *Nobilis* is any Gentleman well de-

deſcended: Yet there is a difference *inter Nobilem & Generoſum:* for though *Omnis Generoſus ſit Nobilis,* yet *Omnis nobilis non eſt Generoſus,* becauſe *Generoſus* is not only one well born, but alſo one vertuous. In this reſpect, the word of a Gentleman is more than the word of a Nobleman, nay, than the word of a King: yet Nobility with us is taken more ſtrictly, and is given to none under a Baron and Peer of the Kingdom, which hath right of ſuffrage in Parliament, as one of the Houſe of Lords. The ancient Nobility of *England* is much diminiſhed and decayed, and many of their Eſtates alienated; and the late Barons created by Patent, do much obſcure them: and if theſe as Barons have their ſuffrage in the Houſe of Lords by vertue of their Honour, and not their Vertue and Wiſdom, I do not ſee how the Parliament ſhould be *Wittena Gemott*; the Meeting of Wiſe Men. It were wiſdom by ſome ſtrict Law to limit *Jus Nobilitandi,* unto Vertue and Wiſdom. For, Honours ſhould be conferred rarely, and upon merit and worth; for they have great priviledges, which ſhould not be made ſo common and proſtituted to the Luſt and Ambition of every one that can pay for them. The ſubjects of lower Rank, if Freeholders, have alſo their priviledges, and one principal, is a power to Elect the Knights of the County to repreſent in Parliaments. There be other accidental differences of leſs moment, which I paſs by. Af-

After theſe diſtinctions, follows a diviſion of the whole body of the Subjects into parts: and this is neceſſary, eſpecially in reſpect of the Adminiſtration. For without an orderly diviſion the ſubjects cannot be well governed. *Iſrael* was divided into Tribes; Tribes into Families; Families into Houſholds; Houſholds into Perſons: Thus they were divided, and according to this order *Achan* was diſcovered, *Joſh.* 7. 16, 17, 18. and they had their φυλαρχὸς, Heads of their Tribes; and their δημαρχὸς, Heads of their Hundreds; as *Maſius* upon the place obſerves. The *Romans* were alſo divided, *in Tribus, & Tribus in Curias*; and after theſe we read of *Centurias* and *Decurias*. We read that *Alfred* divided *England* into Counties; Counties into Hundreds; the Hundreds into Allotments. In ſome Counties we find Ridings and Wapentakes; yet Sir *Henry Spelman* under the word Hundreds, underſtands by Wapentake an Hundred, which in the *Welſh* is called *Cantreda*, where he adds, that the Counties were divided into Tithings, Rapes, and Laths: and Hundreds were divided into Tithings and Friberges. Upon this diviſion made, it's ſaid, that Juſtice was adminiſtred with that eaſe, exactneſs, and ſeverity, that any man's goods might at any time be ſecure in any place: Yea, they might hang golden Bracelets in the High-way-ſide, and in open view, and none durſt meddle with them. Sect. 14.

them. To this head belongs the numbring the people by pole, enrowling their Names and Eſtates, without which Taxations cannot be juſtly impoſed. The end of this diſtribution was to reduce the people into a certain order, according to which the equal parts were to co-ordinate one with another, as Counties with Counties, Hundreds with Hundreds, ſo that one had no Juriſdiction over another. The unequal were leſs or greater, and were ſubordinate the leſs to the greater, which had Juriſdiction over the leſs, and all the parts were ſubject to the whole. This was neceſſary for Judicial proceedings, that Actions in Law might proceed according to the ſubordination of Courts. For anciently with us Actions did commence in the Courts held by the Lords of the Mannors: if the cauſe were too high, or could not there be determined, or Juſtice had, Appeal was made to the Hundred Court, from thence to the County Court, from thence to the King's Court. In the word *Comitatus*, Sir *Henry Spelman* obſerves, this was the ancient Order, and thinks it an abuſe and great diſorder, that in our days, every petty Buſineſs and Cauſe is brought into the King's Court at *Weſtminſter*. What the Diviſion of this Nation was under the *Romans*, is not ſo well known, except we may conjecture of it by the ancient Diviſion of the Provinces, and the Cathedral Seas and Di-

Dioceſſes, which much differ from theſe of latter times. *Cambden* finds ſome diviſions of *England* in the time of the *Romans*, yet they are not clear and certain. Under the *Saxons* he finds ſeveral diviſions, 1. Some according to certain proportions of Lands. 2. He makes the Heptarchy an argument that it was divided into ſeven parts. At length he concludes his political Diviſion with that of Counties, which he, as Sir *Henry Spelman*, aſcribes to the King *Alfred*. But I have read, that it was thus divided before his time, and this is more probable, becauſe the *Myrrour* informs us of Counties, and of Counties before there were any *Saxon* Kings:

*Ut ſubditi* { *diſtinguuntur* / *ſic diſtincti* { *dividuntur* / *educantur* { *nobiliori*, / *minus nobili.* } } } Sect. 15.

After the diviſion and diſtinction of Subjects, follows Education; and in the very Conſtitution of a State, ſome ſpecial care muſt be taken of this. There is ſome Education in a Family, but more perfect in a Community, but the beſt and moſt perfect is found in a well conſtituted and ordered State, which in laying the very Foundation, provides for the better Inſtitution of the Subjects. The end hereof is the good of the people, and preparing for the preſervation of the Community, *Education.*

and the better and more eaſie adminiſtration and Government of the Commonwealth. There are few, to whom God in the Creation of their immortal Souls, and their mortal Bodies, hath not given ſome ſpecial power, diſpoſition, and propenſion to ſomething more than another. The work of Education is to improve thoſe principles and powers, ſo as to bring them to a greater perfection. And for ſuch as have the care of Education, it's an excellent piece of Wiſdom, to diſcover what the *Genius* and Diſpoſition even of Children is, and what they ſeem to be made for: and ſo by inſtruction and example, draw it to the height and utmoſt pitch it's capable of. How many excellent ſparks are raked up in the aſhes of Sloth and Negligence, or elſe utterly quenched, or at leaſt made uſeleſs by a diverſion of them to other things, to which God did not diſpoſe. Great is the ignorance, imprudence and negligence of Parents, Maſters, and others in this particular. This Education is either more noble and excellent, or leſs and inferiour: The more noble is that which improves mens knowledge either in Humane or Divine Learning. Humane Learning, both in Arts and Languages is uſeful for the State, and beneficial to the Church. By reaſon man excels a beaſt, and by learning he excels other men, and by divine Learning he is made like unto Angels,

Angels, and to God his Creator. For this end wise and good men, being of a publick spirit, and intending the general good, erect Schools, Colledges and Universities, and endow them with competent Maintenance, for to encourage such as shall take the care of them. Of the original and progress of these Societies, we may read in *Hospinian*. Yet, much more we may find, then he hath written of them. Schools strictly taken as with us, are only for the entering of Children, and teaching the Rudiments of some Arts and some Languages. Colledges and Universities serve for higher improvement, neither are they limited to some particular Arts or Languages, but according to the Clause in their Charter, *Licentia generalis Studii*; They may enlarge to all Learning, all Languages. Yet, this general Study is usually confined to Philosophy, Law, Medicine, Theology. The principal design of them should be to breed Gentlemen for the State, and Ministers for the Church: But, there is not any due care taken to furnish the Nation with either of these. Some by their constant and diligent pains do much improve themselves. Such as are idle and negligent lose the opportunity, their time, and their very School-learning, mispend their days in vanity, and learn iniquity; and the sons of the Nobility, Gentry, and Rich-men, are much guilty in this Respect. It's pitty

that ſuch noble Foundations ſhould thro' our ignorance be ſo little beneficial: and it's a great ſin, which God will puniſh, that they are ſo much abuſed. Theſe places for Learning are great bleſſings of God, if we would make right uſe of them, we ſhould find it to be ſo. But it is a ſad thing to conſider how both Inſtruction is neglected, and Diſcipline remitted. In this kind of Education the Jeſuites are ſaid to excel, and to ſingle out the beſt capacities to direct them orderly in learning both Languages and Arts, till they have made them general Schollars; teaching them how to make uſe of their Learning: And their Diſcipline is ſtrict, but it's pitty, that all this improvement ſhould be made ſubſervient to a wrong end. There is hardly any intelligent People or State, that doth not provide ſome, that ſhould be skilful in Religion, and know how to officiate in Religious Services; and for theſe they provided a ſufficient Maintenance. Theſe were anciently Prieſts, and many of them great Schollars, and ſuch as did inſtruct others, who ſhould ſucceed them, and direct the people in the Worſhip of a Deity, upon whoſe favour they conceived, the publick Weal and Happineſs did much depend. Yet many of the Heathen Prieſts had familiarity with the Devil, and were great Magicians.

There

There is an inferiour kind of Education, yet in reference,

and that *ad Rempublicam* { *Conſervandam* / *Defendendam* / *Ditandam:* } Sect. 16.

The firſt is for the preſervation of the Common-wealth, without which the ſubjects cannot live, or the Common-wealth ſubſiſt: Husbandry, and Trade, and Manufactures tend to this end. And though this may ſeem to be an inſtitution proper to Families, yet Familes make a Common-wealth; and the Governours ſhould take ſpecial care of ordering theſe aright, that ſo the State may have ſufficient Commodities both of Growth and Manufacture, not only for it ſelf, but for Exportation to bring in what the Country wants moſt. Under Husbandry, we may comprize not only the Tillage and manuring of the Ground, but alſo the ordering of Cattel. Theſe were the firſt profeſſions in the World: for *Adam* brought up his Children to this purpoſe. *Abel* was a Keeper of Cattel, and *Cain* a Tiller of the Ground, *Gen.* 4. 2. And *Noah* planted a Vineyard: for he began after the Flood to be an Husbandman, and planted a Vineyard, *Gen.* 9. 20. Theſe are ſo generally neceſſary, that the wiſe man ſaith, *The profit of the earth is for all, the king himſelf is ſaved by the field*, Eccleſ. 5. 9. There are certain manual Trades without which a

people cannot well ſubſiſt, as Cloathing, and all ſuch works as belong thereunto, which are many. Next, are ſuch as are for building, as Maſons and Carpenters; For a man muſt have Houſe and Harbour; for this end alſo ſuch, as *Tubal-Cain*, who work in Iron and Braſs, are uſeful, and are ſubſervient to many other profeſſions. Amongſt theſe ſome are for curious Workmanſhip, as *Bezaleel*; ſome profeſſions are not much uſeful, and rather hurtful than beneficial for a State; as being ſubſervient only to vanities, pride, and unlawful pleaſures. Therefore the Magiſtrates ſhould have a ſpecial care to order theſe, to caſt out all idle people, all lazy beggars, and ſet the poor on work. None that can work ſhould be idle, but take upon them ſome honeſt profeſſion, and no profeſſions or perſons ſhould be ſuffered, who bring detriment into the Commonwealth.

Sect. 17. Theſe profeſſions of Husbandry, keeping of Cattel, Manufactures, and mechanick Trades, if well ordered, tend much unto the preſervation of the State, for without them it cannot well ſubſiſt. Yet there is another inſtitution, and the ſame noble and neceſſary to the defence: for there may be raiſed Rebellions, and Seditions within, and there may be Invaſions from without. From both theſe there is great danger to the Common-wealth; therefore as every thing is armed with

ſome

ſome power to defend it ſelf, ſo a ſufficient ſtrength is required in every political Body for to continue the ſafety thereof. And this is a Sword, not only of Juſtice but of War. This Sword of War eſpecially cannot be well managed without a ſufficient skill, which cannot be had without inſtruction, exerciſe and experience. Hence the Art Military is not only uſeful but neceſſary in every well ordered State. One thing eſpecially requiſite in this profeſſion, is to have good Commanders, men of valour and prudence, able to lead and inſtruct others. God himſelf would have *Iſrael* his own people a Warlike Nation. Therefore, after that he had given them poſſeſſion of the Land of *Canaan*, he left ſome certain Nations unſubdued, only that the Generations of the Children of *Iſrael*, might know how to teach them War, at leaſt, ſuch as knew nothing before of it, *Judg.* 3. 1, 2. Thoſe who lived in the times of *Joſhua* were well experienced, but the Generation following had no experience, neither could they learn any without ſome Enemies conſtantly to exerciſe them. Therefore, though Wars be heavy Judgements, yet it's the will of God, there ſhould be warlike diſſentions, and that for many ends: 1. To puniſh the wickedneſs of the World. 2. To let men know, how ſweet a bleſſing Peace is. 3. To be a Nurſery and School of breeding gallant men, eſpecially when he by them intends

to do ſome great work. In conſideration of theſe things, its good that any State in time of peace, not only chuſe Captains, train Souldiers, provide Arms: but alſo ſend ſome into forraign Wars to learn experience. Of this part of Inſtitution, as alſo of that of Learning, you may read at large in *Contzen. Polit. lib. 4. & lib.* 10. Of the Laws of War *Grotius* may be conſulted. That ſome Wars are lawful, eſpecially ſuch as are neceſſary and undertaken for our defence, there's no doubt: and not only defenſive but offenſive arms may be juſtified out of the Holy Scriptures, and from the Example of *Abraham*, *Joſhua*, many of the Judges, and *David*, who were excellent Commanders, under whom many gallant men ſerved: when God intended to ruin *Judah*, he threatens to take away the mighty Man, *Eſay* 3. 2. It's a ſad preſage, when the Gentry and Nobility of a Nation become vicious and effeminate: and this was one cauſe of that heavy Judgment of God which many of them ſuffered in the late Wars: Wherein *England* gained great skill and experience both by Sea and Land, yet with the woful expence of much of her own blood. And how happy had we been, if ſo much valour had been manifeſted in the ruine of the Enemies of Chriſt and his Goſpel. Whoſoever deſires to underſtand more of this Subject, as belonging to Politicks, let him read Military Books.

If this be ſo neceſſary for the defence and ſafety of an earthly State; how much more is the ſpiritual *Militia* neceſſary for the defence of our Souls?

There is another profeſſion, and the ſame uſeful for many things, but in particular, for to enrich the State; its that of Merchandiſe and Traffick. Theſe Merchants are of ſeveral ſorts: ſome deal in petty Commodities, and ſell by parcels; ſome are for whole ſale; but the chiefeſt are ſuch as are great Adventurers, and Trade by Sea, and Traffick with all Nations. Theſe are the great Monyed Men of the World, who have great Princes and whole States their Debtors. Theſe furniſh us with Rarities and Varieties of the Earth, and enrich us with the Commodities of Eaſt and Weſt, South and North, and the remoteſt parts of the World. Theſe make new diſcoveries, and might furniſh us with many rare inventions, Books and Arts, but moſt intend rather private gain than publick good. It were to be wiſhed, that our luxurious and wicked expences were turned another and better way, to maintain Schollars in thoſe Countries, where they maintain Factours, for the improvement of Learning and the propagation of Religion. The King of *Spain*, and the Jeſuites are the only Politicians in this kind: though it be a Queſtion, whether this profeſſion be not derogatory to Nobility. Yet King *Solomon* and *Jehoſaphat* Sect. 18.

*saphat* were Adventurers in Corporations, and great Cities, these Tradesmen and Merchants have their several Companies and their Orders, and are called by some Systemes, which cannot be well regulated, without some Laws of the Soveraign power

CHAP.

## CHAP. XVI.

### *Of Subjects in an Eccleſiaſtical Politie.*

OF ſubjection in general, and ſubjection to a Civil Power, I have ſpoken; and becauſe there is an Eccleſiaſtical power and ſubjection due unto it, therefore order requires, that I conclude the firſt part of Politicks, with the explication of the nature of ſpiritual ſubjection and ſubjects. This ſpiritual relation and duty ariſing from it, preſuppoſeth ſubjection. 1. Abſolute to God as Creatour and Preſerver. 2. To him as Redeemer. 3. To Chriſt as Head and Univerſal Adminiſtratour of the Church: and to him as having inſtituted an Eccleſiaſtical Diſcipline, and promiſing to every particular Church, uſing the Keys aright in their judical proceedings, to be with them ſo, as to make their judgment effectual: and that what they bind on earth ſhall be bound in Heaven, and what they looſe on Earth ſhall be looſed in Heaven. So that this ſubjection is due to the power of Chriſt in every particular viſible Church. For, when a multitude of Chriſtians aſſociate, and according to the Rules of Chriſt erect an independent Judicatory, its the duty of every one in that Aſſociation to ſubmit Sect. 1.

unto

unto it, if he will be a Member of the ſame and enjoy the benefit of that external Government: and by the very inſtitution of Chriſt, though there be no ſolemn Confederation, they are bound ſo to do. This ſubjection is different from that, which is due from the people to their proper Paſtours. The power external of the Keys, as you heard, is, 1. In the whole Church particular, according to the extent, as the primary ſubject of the ſame. 2. In the Repreſentative exerciſing this power. 3. In the Officers. The Repreſentative is either general, to which every particular perſon muſt ſubmit, or particular, to which the particular Members of that Aſſociation and Diviſion are bound to ſubmit, and none elſe. Submiſſion is due unto the Officers according to their intenſive and extenſive power, and no further. The Rule and Meaſure of this ſubjection, are the ſpecial or general precepts of Chriſt and his Apoſtles, and if a Church, or its Repreſentatives, or Officers tranſgreſs theſe precepts, they cannot juſtly challenge any ſubmiſſion as due unto them. In this reſpect its neceſſary, there ſhould be Canons to regulate both the fundamental, and alſo the derivative power, and the ſame agreeable to the Goſpel. The want of theſe and the obſervation thereof may be an occaſion, if not a cauſe of ſeparation, whereof the Church it ſelf may be guilty, and will prove ſo to be. This ſubjection ariſeth

ſeth from this, that they are Members of ſuch a Church: for every ſingle Member is ſubject to the whole. Here is no exemption of any, though they ſhould be Biſhops, Metropolitans, Patriarchs. The Patriarchs of *Rome* may challenge a tranſcendent power to be above all Laws, and all Judgments: he will command all; judge all, will be commanded, will be judged by none. But all this is but an unjuſt and inſolent Uſurpation. For Chriſts Inſtitution in thoſe words, *Tell the Church*, excludes ſuch powers, dethrones ſuch perſons. He that will ſit in the Church of God, as God, muſt needs be the Son of Perdition. From this ſubjection ariſeth an Obligation to acknowledge the juſt power of the Church to be faithful unto it, and by all means to ſeek the good thereof, to obey the Laws, and ſubmit unto the juſt Judgment of the ſame.

This being the brief Explication of ſubjection, whence a Chriſtian is denominated a ſubject of a particular Church under a form of Government; the next thing to be done is, to enquire who are ſubjects, how they may be diſtinguiſhed: and how they may be divided, and how educated. Sect. 2.

*Subditi*

*Subditi enim Ecclesiæ* { *distinguuntur* / *distincti* —— { *dividuntur* / *educantur.*

1. They are distinguished both from others, and also among themselves; from others they are differenced; for some are within, some without, some are Brethren, some are not: This is implied by the Apostle, when he saith, *If any man that is called a Brother; and what have I to do to judge them that are without? Do not ye judge them that are within?* 1 *Cor.* 5. 11, 12. Therefore there are such as are not Brethren, such as are without and cannot be judged by the Church; these are no Subjects. There are Brethren, such as are within, and may be judged; these are Subjects. By this distinction, *Mahumetans, Pagans,* unbelieving *Jews* are excluded: For none can be a Member of a Church Christian, but a Christian, who by Baptism is solemnly admitted to be a Subject of God the Father, Son, and Holy Ghost, and a Member of the Universal Church: And whosoever shall be such, may be a Member, and so a Subject of a particular visible Church. Yet one may be a Member of one particular Church, and not of another; for as in civil politicks none can be a subject of two several States civil at one time; so in Ecclesiastical Government, no person can be a subject of two particular Independent Churches at the same time. Therefore, when the Apostle

poſtle ſaith, *Do not ye judge them within?* is to be underſtood of the Members of that particular Church of *Corinth.* For they could not judge them of the Church of *Rome*, of *Epheſus*, of *Jeruſalem* or any other but their own: yet here is to be obſerved, that manifeſt Apoſtates, though they have been Chriſtians, cannot be received into a Chriſtian Church; nor ſuch as have been Members of an Heretical, Superſtitious, Idolatrous Church, till they have renounced their Hereſie, Superſtition, Idolatry. Neither muſt any ſubject himſelf to any ſuch Church, nor continue in it, if formerly he hath been a Member; for all ſinful Communion is unlawful. Yet, wherein there is no ſuch thing, and God in his Providence caſts him upon another Church, he may ſubject and alſo continue. As in a civil State there are ſojourners and ſtrangers, and alſo plenary ſubjects, ſo there may be in a particular Church. For all ſuch as are Members and Subjects of one Church, and yet either ſojourn or inhabit in another for leſs or longer time, they are not Subjects till they be incorporate, yet they are Subjects of the Catholick Church in any part of the World. And upon Letters Teſtimonial, or any other ſufficient Information, they may be admitted to Communion in Word, Prayer, and Sacraments: for theſe are priviledges of the Univerſal Church, and common to all Chriſtians of Age, as Chriſtians. But theſe doth not render

render them Members of that particular Church, for Diſcipline without Submiſſion and Admiſſion. Only, if they do offend againſt the juſt Canons of that Church where they are Strangers: The Rule of *delictum in alieno territorio, &c.* holds good, and they may be cenſured, where the Offence is committed, and where the Scandal is committed. Of plenary ſubjects, ſome are ſuch by Birth, ſome by Election. Thoſe by Birth are like the native *Jew*; thoſe by Election are like the *Proſelite*. Yet this is to be obſerved, that as one who was an Heathen, might be made both a *Proſelite* and a Member of that Church of *Iſrael* at the ſame time, and the ſame Act, ſo one that was of no Church, as being no Chriſtian, may be made a Chriſtian, and a Member of a particular Church viſible at once. Therefore we muſt diſtinguiſh of ſuch as are incorporated into a Church; for as *Epheſ.* 2. 11, 12. There were ſuch who were *Gentiles*, and ſo none of God's people, and aliens from the Commonwealth of *Iſrael*, and ſtrangers to the Covenants of Promiſe, who afterwards, *ver.* 19. were no more Strangers and Forraigners, but fellow Citizens with the Saints, and of the Houſhould of God, and ſo of no people made a people, and more, of no Chriſtians made Chriſtians. There be others who formerly were Chriſtians, and that which is more, Subjects of ſome one particular Church, which are made Subjects of another.

ther. This is ſo to be underſtood, as that to be a Chriſtian, or a Member of a particular Church is not meerly from Birth, but from birth of Chriſtian Parents, who are Members of the Church Univerſal, and ſometimes, nay often of a particular Church under a form of Government. Neither doth this Birth without Divine Ordination incorporate us into the one or other. For to be a Chriſtian is not from Nature, but from God's gracious Ordination; which requires that even thoſe who are born in the Boſom of the Church, and baptized too, ſhould, when they come to Age be inſtructed in the Covenant, and alſo own their Baptiſm by profeſſion of their Faith, and promiſe for to keep the Covenant. The neglect of this is the cauſe why many Congregations have ſuch unworthy Members: Yet it's not neceſſary by any Divine Precept that all ſhould be excluded, whom we do not certainly know to be real Saints. And here I will take occaſion to debate of two things much controverted in theſe times: 1. Of the qualification of a Member of the Church. 2. Of ſeparation from a Church.

*What makes a Church-Member.*

Sect. 3.

For the qualification of the Church-member it's agreed, that viſible Saints, though not real may be Members of a Church. But the Queſtion is, what a viſible Saint is? By viſible, the Congregational party, in particular Mr. *Hooker* of *New England* underſtands

*Who a Viſible Saint.*

derſtands, one that ſhall appear to ſuch, as ſhould admit him to be a Saint. This Saintſhip is, as he informs us, in knowledge and practiſe; and he grants a latitude in both. This viſibility is that, whereby they appear to us to be Saints in reſpect of their knowledge and practiſe. And thus they appear and may be repreſented to us, either immediately by examination of their knowledge, and knowledge of their practiſe, either from our own ſight, or their expreſſions mediately by the teſtimony of others who are judged by us to be credible. By this, the groſly ignorant, and ſuch as trade and conſtantly live in ſin, and are obſtinate and refuſe to be reformed, are excluded. To theſe muſt be added, ſuch as are groſly erroneous, and blaſphemers, and ſuch as deny plain and ſaving truth with divers others. For all theſe may have ſufficient knowledge, and for their lives may be blameleſs, and for their outward carriage eminently juſt, honeſt, holy. But that which makes the Queſtion difficult is, the difference between ſuch as never were born in the Church, nor baptized, nor admitted for Chriſtians and thoſe who have been either born in the Church, baptized, lived, and continued Chriſtians by profeſſion, or ſuch as upon their profeſſion and promiſe, when they were at age were baptized and admitted. Shall their Birth give them right to Baptiſm, and their Baptiſm right

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to Membership, and the groſs ignorance of them born in the Church and baptized make them no Members, or deprive them of their native and baptiſmal Right? Or ſhall it not? But ſuppoſe they have ſome knowledge of Chriſt, and the principles of Chriſtianity, and yet be Idolaters, Covetous, Drunkards, Railers, Inceſtuous Perſons: for one that is called a Brother, and a real Member of a particular Church may be ſuch, as is evident, from 1 *Cor.* 5. 11, 12. Beſides, ſuch a Brother may deny to hear the Church, as is implied, *Mat.* 18. 17. Yet theſe may own their Baptiſm, profeſs their Faith in Chriſt, and utterly renounce all other Religions. The Queſtion therefore is, Whether theſe and ſuch like are not Members of a Church Chriſtian? If they be not, how can the Church cenſure, judge them, and caſt them out? Yet ſuch owning their Baptiſm, and the Faith whereinto they were baptized may be cenſured, and if they will not hear the Church, may be caſt out. Theſe are neither *Pagans*, nor *Mahumetans*, nor unbelieving *Jews*, they will abhor them. God will judge them as Chriſtians, as being baptized, as having heard the Goſpel, as owning Chriſt, and profeſſing their hope to be ſaved by him; though he will ſay unto them, *Depart from me ye workers of iniquity.* Theſe, if caſt forth, do not ceaſe to be Brethren, till they renounce Chriſtianity.

Theſe aſſociate with Chriſtians, frequent Chriſtian Aſſemblies for Divine Worſhip, and uſually are under the Miniſtry, and if there be any External Government, by their very Baptiſm owned are Subjects to the Power of the Keys. Many as bad as theſe and ſome worſe were in the Church of the *Jews*, and yet not *Loammi*, but reckoned amongſt the people of God, till God took away both his Word and Spirit from them. The *Nicolaitans* and the Diſciples of *Jezabel* were as bad as theſe, yet they were Members of the Churches where they lived: how elſe could they be caſt out, as Chriſt commands. The *Valentinians*, and many of the *Gnoſticks* were worſe than theſe, and yet many of them were in and of ſome Chriſtian Church viſible. Theſe muſt be either without or within, except we can find a third place for them, as they of the Church of *Rome* have invented Purgatory for ſuch as were not good enough for Heaven, or bad enough for Hell. They, as I conceive, do far better, who incloſe them within the pale of the viſible Church, and ſeek to reform them, then they who place them in the outward Court, and leave them amongſt the *Gentiles*. It were but reaſonable, that they who are ſo pure and ſtrict in their new invented way, would declare in proper terms their *minimum quod ſic*, and make the ſame evident out of the Scriptures. But this they have not

not done; they ſeem to us, whatſoever they are amongſt themſelves, to be *Scepticks.*

As there is a Controverſie about Qualification, ſo there is about Separation. Separation preſuppoſeth Union and Communion Eccleſiaſtical: For as in Nature there can be no Separation but of things ſome ways joyned and united, ſo it is in Government both Civil and Eccleſiaſtical. For there cannot in proper ſenſe be any Separation from the Church, but of ſuch as have been in a Church, Members of a Chriſtian Community, or Subjects of an Eccleſiaſtical viſible Polity. This Communion is either with the whole as the party governing, or with the Members amongſt themſelves as fellow-ſubjects, if a Diſcipline be ſetled, and it is in Doctrine and Profeſſion, or in Worſhip, or in Diſcipline, or in ſome of theſe, or all. But the Communion with the Church in general, and with God the Father, and Jeſus Chriſt the Son is of an higher kind. Communion preſuppoſeth this Separation is either paſſive, or active and voluntary. Paſſive is, when any is ſeparated either juſtly or unjuſtly from a Chriſtian Society, and this may be negative or poſitive. Negative is a non-admiſſion after they had been formerly admitted: and this may be done upon ſufficient reaſon, or without any juſt and ſufficient cauſe. Poſitive is a plain ejection of ſuch as are in the Church. Separation Sect. 4.

active, is that which is voluntary: and as the former, ſo this may be juſt or unjuſt, and may admit of ſeveral degrees, according as the Union and Communion is. For ſome ſeparation may be total, ſome partial, and of partial, ſome may be greater, ſome leſs. The reaſon why I take occaſion to ſpeak of this ſubject is, becauſe theſe are times of ſeparation: and it were good to know, what may be juſtly done, what not, either in ſeperating others by non-admiſſion, or ejection, or in ſeparating our ſelves. And this is a certain rule, that all Union and Communion inſtituted, commanded, or approved of God, ought to be obſerved: and whoſoever ſhall violate this muſt needs be guilty, there can be no juſt or ſufficient cauſe to do ſo. The Church of *England* was formerly a true Proteſtant and Reformed Church, and had the ſame publick Doctrine, the ſame Form of publick Worſhip, the ſame publick Diſcipline. Yet, becauſe the firſt Reformation was judged imperfect, and many Abuſes and Corruptions entered in afterward, which did alter it for the worſt, therefore a further and a new Reformation was thought to be at leaſt expedient, if not neceſſary. That the firſt Reformation in reſpect of Diſcipline was imperfect is evident, firſt from the book of Common-Prayer in the Rubrick of the Communion, which plainly implies, that the ancient Diſcipline

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was not, and it ſeems could not, at that time be reſtored, and till the reſtoring of it the Commination muſt be uſed. Yet it was never reſtored, neither did any ſeem to ſeek it. Again, the imperfection thereof appears by that Book made by the Commiſſioners in the latter end of the Reign of *Edward* the Sixth, which is called *Reformatio legum Eccleſiaſticarum*. Yet, that though imperfect, was never eſtabliſhed, nor by the Biſhops put in practice. The latter Abuſes, Innovations, Superſtitions brought in by the Biſhops, and as ſome ſay, at the King's command, and that without Law and Authority of Parliament, were confeſſed by many, and exclaimed againſt generally: and divers charged the Biſhops as guilty of Uſurpation: And how could they be leſs, when they impoſed the reading of the Book of Sports and Recreations on the Lord's Day, and puniſhed divers Miniſters refuſing to read it; and, which was not tolerable, the Rule of their Proceedings in the Exerciſe of their Power were Canons never allowed by Parliament, beſides the buſineſs of Altars, and bowing towards them, which had no colour of Law. Many began to ſet up Images in their Churches, and innovate in Doctrine. In conſideration of all theſe things, a Reformation, if it might be had, was thought neceſſary, not only

for the perfection of the firſt, but alſo for to cut off the late introduced Corruptions, and prevent the like for the future. An opportunity ſeemed to be put into the hands of a Parliament with an Aſſembly of Divines for Advice to do this. A Reformation they promiſe, begin to act in the way, and the expectation was great. But, inſtead of perfecting the former Reformation, they cauſe a new Confeſſion of Faith, and new Catechiſms to be made, inſtead of the former Litany and Set-form of Worſhip, a new Directory is compoſed and allowed; for Diſcipline the Epiſcopal Power is aboliſhed, and the former Government diſſolved, the *Presbyterian* way, and that very near to that of *Scotland*, is agreed upon. So, that whatſoever was formerly determined by Law, is null and void. In the end, all that was done in Doctrine, Worſhip, and Diſcipline, in a time of War, without, and againſt the mind of the King, did vaniſh, was rejected by many, and received by few, and ſuch an Indulgence under pretence of favouring tender Conſciences, was granted, that every one ſeemed to be left at liberty. Hence ſprang ſo many Separations and Diviſions, that *England*, ſince ſhe became Chriſtian, never ſaw the like. There were Diviſions in Doctrine ſo many as could not be numbred, and men were

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in their judgments not only different, but contrary. And the former Errours pretended to be great, were few in number, far leſs noxious in quality to theſe latter, which were very many, and ſome of them blaſphemous and abominable. All the old damned Hereſies ſeemed to be revived and raked out of Hell, and the more vain and blaſphemous the Opinion was, it was by ſome the more admired. For Worſhip inſtead of ſome Ceremonies or Superſtitions, at the worſt all kind of Abominations brake out of the bottomleſs Pit. Some profeſſed high Attainments and Diſpenſations to the contempt of Sabbaths, Sacraments, and Scripture it ſelf. Some turned Ranters, as though the old abominable *Gnoſticks* had been conjured up from Hell. Some become *Seekers*, till they loſt all Religion. Some were *Quakers*, and moſt rude, uncivil, inhumane Wretches, deadly Enemies of the Miniſtery, and moſt violent Oppoſers of the Truth; and ſome no ways ill affected, but otherwiſe well diſpoſed people ſeemed to be ſuddenly bewitched, as the *Galatians* were, and could give no Reaſon nor Scripture for the Separation and Alterations. To be *Anabaptiſts* ſeemed to be no Offence in compariſon of the former. For Diſcipline, ſome adhered to the

the Prelatical Form, and refuſed Communion with the *Presbyterian* Party, who, with the *Scottiſh* Kirk, thought their way to be the pattern in the Mount. The Congregational was of another mind, and ſtood at as far a diſtance from them on one hand, as the rigid Prelatical Party did on another. Yet in all this God preſerved an Orthodox Party, who retained the ſubſtance of the Proteſtant Religion with moderation, and theſe are they whom God will bleſs and make victorious in the end. For, all theſe came to paſs and were ordered by Divine Providence, to diſcover the Frailty of all, the Wickedneſs of ſome, the Hypocriſie of others, to manifeſt the Approved, to confirm the Sincere, and let men know what a bleſſing Order and Government in Church and State muſt needs be. Here are many Separations, ſome paſſive, but many active. As for the *Quakers*, *Seekers*, Above-Ordinance-Men, Ranters, their Separation under pretence of greater Purity, is abominable: The *Antipedobaptiſts* and the *Catabaptiſts* cannot juſtify themſelves; and in the end it will appear. The Diſſenting Brethren, and Congregational Party, after they began to gather Churches, with the rigid Prelatiſts and Presbyterians, cannot be excuſed. They, who actually con-

concurred to procure a Liberty and Indulgence, eſpecially the Zealots in that work, who had a deſign to promote their own way, have much to anſwer for, and their account will be heavy. And ſurely they are no ways innocent, who took away the former Laws and Government before they had a better, and in their own power, effectually to eſtabliſh them. And, whoſoever departed from the former legal Doctrine, Worſhip, and Diſcipline in any thing, wherein it was agreeable to the Word of God, muſt needs be worthy of blame; as alſo thoſe who took an ill courſe to introduce that which was better. They, who will not Communicate with others, or refuſe to admit unto Communion with themſelves in all parts of Worſhip, ſuch as are Orthodox and not changeable with Scandal, are Offenders, and cannot be free from Schiſm in ſome degree. The Uſurpations of the Biſhops, and the Innovations made by them and their Party, together with their Negligence and Remiſneſs in the more material parts of Diſcipline, gave no little cauſe of Diviſions and Separations. To be haſty, high, rigid in Reformation, is a cauſe of many and great Miſchiefs. This Church of *England*, upon the firſt Reformation within a few Years brought forth to God, even under that imperfect

fect Reformation many precious Saints and glorious Martyrs. And after the Perſecution, how did ſhe multiply, and yield as many able and godly Miniſters and gracious Servants of God, as any Church in the World of that compaſs. And all thoſe good Children were begotten, nurſed, and encreaſed, whilſt under one ſupreme independent national Judicatory. And though the firſt Reformation was imperfect, and the Church in ſome things corrupted, and many Members of the ſame without ſufficient cauſe perſecuted by ſome of the ungodly and unworthy Biſhops: yet, for any of the Subjects and Members to ſeparate from her without ſome weighty cauſe, muſt needs be a ſin. A Reformation might have been made without pulling down the whole Frame, and opening a way to the enſuing Diviſions. Imperfection is no ſufficient cauſe to ſeparate from that Church, wherein any perſon receives his Chriſtian being, or continuance, or growth of that being; neither is every kind of Corruption. No Church but hath ſome defects, but hath ſome corruptions, and no man ſhould depart from any Chriſtian Society, further than that Society is departed from God. To depart and divide upon conceits of greater purity and perfection, or out of a ſpirit

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of Innovation, or in any thing which is approved of God, and not contrary to his Word, cannot be lawful. Let every one therefore reflect upon the former Diviſions, and conſider the preſent diſtractions, and examine himſelf how far he either is, or hath been guilty, and confeſs his ſin to God, deſiring pardon, and for time to come endeavour peace, and ſupply the defects of underſtanding, which in ſome things is the cauſe of difference in judgment with the greater meaſure of Charity. For, though we had leſs knowledge then we have, and yet more charity, the breaches of the Church might eaſily be made up. Thus far I have digreſſed, and enlarged upon this Subject, out of a deſire to perſwade every Member of a particular Church to ſubmit unto the lawful Power thereof, and continue united in the ſame Body, till God ſhall give a Command and Commiſſion to come out or ſeparate.

Sect. 5. The end of this Diſcourſe concerning the diſtinction of the ſubjects of the ſame Church, is, to ſhew the nature and meaſure of ſubjection, and the manner how we become ſubjects, and what the Duties of Subjects are. Something might be added concerning the manner of Admiſſion, which Mr. *Parker*, and ſo many of the Congregational Way, do

do think was not good and allowable. His, and their Exceptions I will not here mention, but will with them confeſs, 1. That as they be born in ſuch a Pariſh, or forced by the Magiſtrate, they could not be Members of the Church. 2. That Baptiſm, without inſtruction of ſuch as are capable, is not ſufficient. 3. That it's fit that every one when they are inſtructed, ſo as to underſtand the ſubſtance of the Covenant, ſhould publickly in their own perſons profeſs their Faith, and make their Vow. 4. That when this is done, ſome care ſhould be taken of theis lives, that it may be known, whether they walk according to their Profeſſion and their Promiſe. Yet this may be ſaid, that by good Miniſters ſomething to this purpoſe was done, though by others it was neglected. And the Church even from the firſt Reformation required and intended this in the ſtrict command of Catechiſing, and in Confirmation. For though Confirmation was no Sacrament, nor proper to a Dioceſan Biſhop, by Divine Inſtitution, yet the end was good, and the effect might have been happy, if it had been duly obſerved. For, it would have ſo qualified the Members of the Church, that we ſhould not have had ſo many ignorant, ſo many ſcandalous in every Parochial Precinct. But

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it was either neglected or abuſed. But becauſe to be a right qualified Member of a viſible Church is not ſufficient, let every one remember, that it's his duty to be a Citizen and Subject of Heaven, and to live accordingly. For, as the Apoſtle ſaith, *Phil.* 3. 20. *Our converſation is in heaven*; ſo we turn it, though there may be more in the Original. For, πολίτευμα, may be turned, *Jus municipum, aut civium, aut municipatus*; as *Hierome*, *Tertullian*, and *Sidonius* underſtands it, with *Beza à Lapide*, *Muſculus*, *Heinſius*. The ſence is, that we are Burgeſſes, Deniſons, and Subjects of Heaven, and incorporated into an Heavenly Politie: therefore let our life be holy and heavenly, and let us converſe moſt and chiefly with God, and remember that we are but Pilgrims and Strangers upon Earth, and by the obſervation of the Laws of this heavenly Kingdom, we tend to our abiding Manſions above. And if our lives and carriage be ſuch, though men may perſecute us, caſt us out, ſeparate from us, refuſe to admit us, yet we know our God approves us, we have fellowſhip with him, and with Jeſus Chriſt his Son, whilſt we walk in the Light, as he is Light, and in the end we ſhall be happy, and our Joy will be full.

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Sect. 6. As the Subjects muſt be divided and ſubordinated in a Civil State, ſo muſt they be in a Church. The people of *Iſrael* were three times numbred and divided: the firſt numbring was by tens, hundreds, and thouſands, that *Moſes* might make Officers and Judges for the civil Government, *Exod.* 18. The ſecond which was moſt exact and purely Eccleſiaſtical, as you may read in the four firſt Chapters of the Book of *Numbers*, which was ſo entitled by the Septuagint, becauſe of this Numeration and Diviſion of the People. They were alſo numbred the third time, *Numb.* 26. The end of the ſecond numbring was, that they might, according to an excellent order, encamp about the Tabernacle, and alſo march in order before and after it. The firſt diviſion upon the numeration was of the Body of *Iſrael* into two parts: 1. That of the *Levites*, which was ſubdivided into four parts: The ſecond of the other twelve Tribes in one body firſt ſeparated from the *Levites*, and this was ſubdivided into four Squadrons, and in every Squadron three Tribes, which acccording to their Enſigns quartered at a diſtance, *Eaſt*, *Weſt*, *North*, *South* of the Tabernacle, the *Levites* being within them. The Deſcription of the Univerſal Church, *Revel.* 4. as learned Men have ob-

obſerved, alludes to this order. And both theſe Scriptures teach us, that without numeration, diviſion, and ſubordination, there can be no order in the Worſhip of God, or the Government of the Church. And the firſt thing done upon this diviſion, according to God's command, was the removing of the Lepers and Unclean out of the Camp, which was the more orderly and eaſily done upon the former diviſion, and doth teach what muſt be in the conſtitution of a Church, and exerciſe of Diſcipline.

Sect. 7. Of the diviſion either of particular Churches of one City, and the territories thereunto belonging, or of ſeveral Churches in one Province, according to the Cities of the ſeveral Provinces, we read nothing at all in the Scripture. Neither can any ſuch thing be evidently and certainly proved from the ſeven Angels of the ſeven Churches of *Aſia* the leſs, now called *Natolia*. As for the diviſions made afterwards in the *Roman* Empire, I ſhall ſay ſomething anon. The Church of *England*, if we may believe Mr. *Brerewood*, was anciently divided into three Provinces, according to the three Provincial Cities, *York*, *London*, *Caeruske* in *Monmouth-ſhire*; though after that we find *Valentia* and *Flavia Cæſarienſis* added to make five: of which diviſions we find ſomething in *Cambden*.

Yet afterwards we find another division of the whole Island into two Provinces, *York* and *Canterbury*. These were divided into several Dioceſſes, the Dioceſſes into *Archdeaconries*, the *Archdeaconries* into ſo many Rural *Deanries*, the Rural *Deanries* into Pariſhes. This was an orderly way and did facilitate Government much. The Church of *Scotland* was divided into Provinces and Shires, and upon the Reformation, as ſome tell us, theſe Shires into Claſſical Presbyteries: but afterwards reduced in our times under a certain number of Biſhops. Yet Arch-Biſhop *Spotteſwood* inform us out of their publick Records, that from the firſt Reformation they had Superintendents. In the Reformation intended in *England*, when Epiſcopacy was taken out of the way, and the Presbytery introduced, they divided the Church according to the Counties, the Counties into Claſſes, the Claſſes into Congregations. The Subordination was of Congregations to a Claſſis, of the Claſſis to a Provincial Synod of a County; of theſe Provincial Synods to a general Aſſembly.

Sect. 8. Of the diviſion of the Church within the *Roman* Empire, we may read in ſeveral Hiſtories both Civil and Eccleſiaſtical, and in the Acts and Canons of ſeveral Councils. And from this diviſion Hierarchy, which is Ancient derives its

its Original. To underſtand this you muſt know, that Hierarchy preſuppoſeth Epiſcopacy: For before there were Biſhops there could be no Subordination of Inferiour or Superiour Biſhops. What theſe Biſhops were, and how they did firſt ariſe, and what their power was, the Scripture ſaith nothing, much leſs gives any Divine precept ſpecial for the Inſtitution of them, or the manner of their Conſecration. That of *Timothy*, *Titus*, and the Angels of the Churches, will not evince any ſuch thing, as hath been ſaid before. That there were Biſhops anciently and betimes in the Chriſtian Church within the *Roman* Empire cannot be doubted, if humane ſtory be of any force. After theſe Biſhops (whom the general rule of decency and order, together with the light of reaſon might manifeſt to be convenient) were multiplied according to the number of the Cities, wherein Chriſtian Churches were planted, ſet up in theſe Cities, and theſe Cities Subordinated unto others in the ſame Province, theſe Biſhops began to be Subordinate to the Arch-Biſhops. For, as a Biſhop is one above a multitude of Presbyters, ſo, an Arch-Biſhop is one above a multitude of Biſhops. The Biſhop of the chief City and Metropolis in a Province was called a Metropolitan. The Biſhop of the chief City of a Dioceſs

of the *Roman* Empire was called a Primate, or Patriarch. By Dioceſs, you muſt not underſtand an Epiſopal Dioceſs, but a far greater compaſs. For the *Roman* Empire was firſt divided into Dioceſſes, the principal whereof were three: one in *Aſia*, another in *Africk*, as now we underſtand it, another in *Europe*. Theſe greater circuits were divided into Provinces, as we read the Empire of *Perſia* was parted into an hundrd twenty ſeven Provinces in the Reign of *Abaſuerus*. And ſome tell us, that the Provinces of the *Roman* Empire were at firſt an 120. The chief City of the *Aſian* Dioceſs was *Antioch*, of the *Ægyptian* and *African*, *Alexandria*, of the *European*, *Rome*. According to theſe three Cities, where the great Officers of the Empire kept their Reſidence, were ſet up three Patriarchs; one of *Rome*, one of *Alexandria*, one of *Antioch*, and all the City Biſhops and Provincial Metropolitans were under theſe, if they were within that diviſion, as there were ſeveral Provinces out of theſe Dioceſſes; as that of *Carthage* in *Africk*, of *York* in *Britain*, *Juſtiana Prima* in *Dacia*. To the three Patriarchates in after-time were added other two; as that of *Conſtantinople*, or *New Rome*, and that of *Jeruſalem*. The firſt diviſion and ſubordination of the Church was made about the time of the ſecond Century, and follow-

*Diviſion Subordination of that Church when.*

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ed the diviſion of the Empire that then was, and as then divided. Yet it did not reach the whole Empire, though there might be Chriſtians in all the parts thereof, and many more far beyond the bounds thereof. That there was ſuch an Hierarchical Order before the great Council of *Nice*, is evident from divers Canons of the ſame, and continued after, as appears by the Council of *Chalcedon*, and *Conſtantinople*, and others. What the limits and bounds of the firſt three Patriarchates were, we may read in ſome Authors. But you muſt know, that this diviſion of the Empire was ſeveral times altered by divers of the Emperours, even by *Conſtantine* himſelf, ſo that the Eccleſiaſtical Diviſion and Model could not be always exactly conformable unto it. Of this model *Spalatenſis* ſaith but little, Mr. *Brerewood* a little more, Dr. *Reynolds* is very brief, Dr. *Uſher* is a little more large in his *Lydian* or *Proconſular Aſia*. Yet far more might be diſcovered of theſe particulars, both out of Humane and alſo Eccleſiaſtical Hiſtories.

Sect. 9. This little may give us ſome light in the matter of the Eccleſiaſtical Hierarchy. Obſerve therefore firſt, That ſuppoſing Biſhops ſome ways in a large ſence to be *jure divino* above Presbyters; yet as *Spalatenſis* affirmeth, they by divine Law are equal amongſt themſelves. For,

if they ſucceed the Apoſtles, though ſome grant *primatum ordinis*, yet there is no Primacy of Juriſdiction of one above another. For *Peter*'s Supremacy, aſſerted by the *Romans*, can have no ſufficient ground in Scripture. *Ignatius* in his *Palma Chriſtiana*, doth maintain the title of Arch-biſhop, and goes about, though very weakly, to prove even out of the Scriptures, that Primates are *jure divino*, yet he ſeems to underſtand by Primacy, that only of order; but he is hardly worth the taking notice of. 2. That yet before the *Nicene* Council, there was an Hierarchy of the Church in ſome parts of the *Roman* Empire: for there were Biſhops, Metropolitans, Patriarchs. 3. This Hierarchy was a conforming of the Church in diviſion and ſubordination to the Civil State of the Empire. For, as the State was divided firſt into greater parts, called Dioceſſes; and the Dioceſſes into Provinces, and the Provinces into Cities, and their Territories; ſo the Church was divided. As the Cities & their Officers were ſubordinate to the Provincial Officer, who did reſide in the Metropolis of the Province, and the Officers provincial were under the power of the chief Officer, who kept his reſidence in the chief City of the Dioceſs; ſo the City Biſhops were ſubject to the Metropolitan of the Province, and the Metropoli-

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tans of the Provinces to the Patriarch, reſiding in his Patriarchal City. 4. Tho' this was a prudential Order, and good for Adminiſtration, yet it was but humane in the State, and alſo humane in the Church. For in neither was it of divine Inſtitution. For, if it had been ſuch, they could not juſtly have altered it, as they did afterwards in ſeveral places. 5. That therefore the Epiſcopal Hierarchy, though ancient and of long continuance, yet is not of divine Authority; neither do we find any divine Ordination for it. 6. Therefore, the Argument from Epiſcopacy to Hierarchy, is groſs. For a Biſhop was before a Metropolitan or Patriarch: and though ſome kind of Biſhop ſhould be of divine Inſtitution, yet an Hierarchical Biſhop may be, and is an humane invention. 7. It was not thought good to erect one ſupreme independent Judicatory Eccleſiaſtical in the whole *Roman* Empire. For they made three Patriarchs independent one upon another; and if they had all been put in one, yet many parts of that Empire, and of the Church within it had been without thoſe bounds. 8. Whether the Patriarchs at firſt had Juriſdiction over the Metropolitans, and the Metropolitans over the Biſhops, and they over the Presbyters, is very uncertain. And, if they had no Juriſdiction ac-

*Subordination of Biſhops prudential.*

*Epiſcopal Hierarchy not of Divine Authority.*

*Biſhops over Presbyters uncertain.*

cording to this ſubordination, there could lie no Appeal from the Biſhop to the Metropolitan, nor from the Metropolitan to the Patriarch. It's likely that the power was in Synods, and men might Appeal from an inferiour to a provincial Synod, and from the Provincial to the Patriarchal, which was the higheſt Court, except the Chriſtian Emperours call a General Council. And, that was ſaid to be a General Council, which extended beyond the bounds of one Patriarchate, eſpecially if it included all. 9. After theſe Patriarchates began to be ſuch eminent places, many ambitiouſly ſought them, and there was great contention amongſt themſelves, who ſhould be greateſt and have the precedency. Neither could General Councils by their determinations prevent them for time to come. 10. The Patriarch of *Rome*, though but at the firſt one of the three, and afterwards of the five, and according to ſome, of the ſeven, if you take in *Juſtiniana Prima* with *Carthage*, did challenge the precedency and preeminency of them all. And though the Council of *Chalcedon* gave the *Conſtantinopolitan* See equal priviledges with his, yet he would not ſtand to their determination, but afterward challenged greater power then was due, began to receive Appeals from *Tranſmarine* parts beyond the bounds of his Dioceſs,

ceſs, and to colour his Uſurpation, alledged a Canon of the *Nicene* Council, which was not found in the *Greek* Original. He will be Preſident in all General Councils; no Canons muſt be valid without his Approbation. His Ambition aſpires higher, when the title of Univerſal Biſhop had been denied the Patriarch of *Conſtantinople* by *Gregory* the Great, *Boniface* his Succeſſour aſſumes it. And by degrees, they who follow him, uſurpe the Power, and at length the civil Supremacy is arrogated, and the *Roman* Pontiffe muſt diſpoſe of Kingdoms and Empires, and will depoſe and advance whom he pleaſeth. And is not he the Man of Sin, and the Son of Perdition, *who oppoſeth and exalteth himſelf above all that is called God, or that is worſhipped, ſo that he as God ſitteth in the temple of God, ſhewing himſelf that he is God?* 2 Theſ. 2. 3, 4. From all which words, he that goes under the name of *M. Camillas*, defines Antichriſt in this manner: *Antichriſtus eſt Pontifex maximus, Elatione, vicariatu, aſſimulatione Chriſto oppoſitus*, lib. 1. c. 3. *de Antichriſto.* As the *Roman* State ſubdued and ſubjected unto themſelves the former Empires and Monarchies of the World, and this in themſelves, after that became Vaſſals and Servants unto one Abſolute Imperial Monarch, and by him *Rome-Heathen*

*The Pope the Man of Sin, &c.*

*then* raigned over the Kings of the Earth, *Revel.* 17. 18. So in tract of time, *Rome-Chriſtian* uſurped Juriſdiction Eccleſiaſtical over all Churches, and her Patriarch ſwallowing up all the power of the former Patriarchs, became Univerſal Monarch and Viſible Head of the Univerſal Church. The occaſions, true cauſes of this Uſurpation, and the means whereby he by degrees aſpired to this tranſcendent power are well enough known. Some will tell us, that Epiſcopacy, or rather Prelacy was the occaſion at leaſt of the Hierarchy, and the Hierarchy of the Papacy. For, if there had not been a Biſhop inveſted with power in himſelf, and a provincial Juriſdiction given to one Metropolitan, and many Metropolitans ſubjected to one Patriarch, the Biſhop of *Rome* could have had no advantage nor colour for his Uſurpation. This makes many prudent men jealous of Epiſcopacy, eſpecially as many underſtand a Biſhop to be one inveſted with the power of Ordination and Juriſdiction, and that by divine Law without the Presbytery. Diviſion and Subordination, which are eſſential to Government, could be no proper cauſe of the Papal Supremacy. But, the truſting of power Eccleſiaſtical in one man, extending and enlarging the bounds of one particular Church and in-

*Prelacy the occaſion of Hierarchy, and that of Papacy.*

independent Judicatory too far, and ſubordinating the People and Presbyters to the Monarchical Juriſdiction of one Biſhop, the ſeveral Biſhops to one Metropolitan, the ſeveral Metropolitans to one Patriarch, and ſeveral Patriarchs to one *Roman* Pontiffe, did much promote, and effectually conduce to the advancement of one man to the Univerſal Vicarage. At the firſt inſtitution of the Hierarchy, neither the people nor Presbytery were excluded; the Patriarchates were of a reaſonable extent, the Patriarchs independent one upon another, and the end intended was Unity, and the prevention of Schiſm; and the ſubordination ſeemed to be made out of mature deliberation. Yet humane Wiſdom, though never ſo profound, if it ſwerve from the Rules of divine Inſtitution, proves Folly in the end. Let not all this diſcourage any Eccleſiaſtical Community, or diſtwade them from diviſion, co-ordination, ſubordination, if ſo be they keep the power in themſelves as in the primary Subject, and reſerve it to the whole, and not communicate it to a part, and keep themſelves within a reaſonable compaſs. From all this we may conclude, that a Seceſſion from *Rome*, and the rejection of his Eccleſiaſtical Supremacy, if ſo be we retain the

the true Doctrine and pure Worſhip of God, is no Schiſm, eſpecially in *England*. For 1. there were many Provinces out of the great Patriarchate, and no ways ſubject to any of them, but they had their own proper Primates and Superindendents. Amonſt theſe *England* was one, and by the Canon of *Nice* had her own Juriſdiction, and was under no Patriarch, but a Primate of her own. 2. The Biſhop of *Rome* was at firſt confined to that City, and after he was made Patriarch, he had but the ten *Suburbicarian* Provinces, and the reſt of the Provinces of *Italy* had *Milan* for their Metropolis. 3. That after the Converſion of the *Saxons*, that that Biſhop ſhould exerciſe any power in *England*, was a meer Uſurpation. And to caſt off an uſurped power, and the ſame Tyrannical, could be no Schiſm at all. There is a Book printed at *Oxford*, in the year 1641, wherein we find ſeveral parcels of ſeveral Authors bound up in one: The firſt Author is Dr. *Andrews*, the ſecond *Bucer*, the third Dr. *Reynolds*, the fourth Biſhop *Uſher*, the fifth Mr. *Brerewood*, the ſixth Mr. *Dury*, the ſeventh Mr. *Francis Maſon*. The deſign of the whole is to maintain Epiſcopacy, and in part to prove the Hierarchy. 1. Some of the formention-

*England under no foreign Primate.*

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ed Authors do grant with *Hierome*, that the Church was firſt governed by the common advice of Presbyters, though this poſition in ſtrict ſence is not true, as hath been formerly proved. 2. Some grant, that at the firſt Inſtitution of Biſhops, a Biſhop was nothing elſe but a Preſident or Moderator in Presbyterial Meetings. 3. That afterwards theſe were conſtant and ſtanding, with a power of Suderintendency, not only over the people, but the Presbyters within a City and the Territory thereof. 4. That when a Church was extended to a Province, in the Metropolis thereof, they placed a chief Biſhop, called a *Metropolitan*, who had the precedency of all the other City Biſhops. 5. That theſe Biſhops could do no common act, binding the whole circuit without the Presbytery. 6. That there were ſuch Biſhops and Metropolitans in the Apoſtles times; thus Dr. *Uſher* doth affirm, and he quotes *Ignatius* to this purpoſe. 7. That there was an imparity both in the State and Church of *Iſrael* under the Old Teſtament, and ſo likewiſe of the Miniſters in the Church of the New Teſtament. Thus Dr. *Andrews*. 8. That moſt Reformed Churches have Biſhops, or Superintendents, and ſomething anſwerable to Biſhops. The deſign of all this ſeems to be this, to prove that Epiſcopacy

*What a Biſhop was at firſt.*

pacy and Hierarchy are Apostolical and Universal. Yet none of these produce any clear divine Testimony for this, much less any divine Precept to make this Regiment to be of perpetual and universal Obligation. Neither doth any of them all tell us distinctly what the power of Bishops, of Metropolitans, of Patriarchs was: nor whether they exercised their power as Officers, or Representatives, or by an immediate *Jus divinum* derived from Christ unto them. All that can be made clear is, that some kind of Bishops may be lawful, and have been ancient, and of good use, tho' of no necessity. As for the Hierarchy, it's meerly Humane, and being at first intended for Unity, was in the end the cause of the most bloody Schisms that ever were in the Church; and an occasion of intolerable Ambition, Emulation and Contention.

*No Divine Testimony for Bishops.*

*Bishops of good use, not of necessity.*

Sect. 10. Subjects Ecclesiastical being distinguished and divided must be educated; and so I come to Education and Institution. Tho' spiritual Education be far more useful and necessary, yet we find most men more careful to improve their Children for this World than the World to come. The reason is, they seek these earthly things more than God's Kingdom, love the World more than God, and prefer their Bodies before their Souls: we should provide

provide for both, yet for the one far more than the other. For, what will it avail us to be temporally rich, and ſpiritually poor: to gain the World and loſe our Souls? This therefore is a ſpecial work of the Church to educate her Children, and nurſe them up for Heaven: and the Magiſtrate Chriſtian is bound to further her in this work. *Adam*, tho' Lord of the whole Earth, and one who might give his Children far greater Eſtates in Land than any man ever could, yet brought them up not in idleneſs, but honeſt labour. But his principal care was to teach them how to ſerve their God, and when they were at age, to bring their Offerings before him. God ſaith of *Abraham*, *I know him, that he will command his children and his houſhold after him, and they ſhall keep the way of the Lord to do juſtice and judgment: that the Lord may bring upon Abraham, that which he hath ſpoken of him*, Gen. 18. 19. *Joſhua* ſaith, *As for me and mine houſe we will ſerve the Lord*, Joſh. 24. 15. It was the command of God, that *Iſrael* ſhould diligently teach their Childrin the words of God, and *talk of them when they ſit in their houſes, and when they went abroad, and at their lying down and riſing up*, Deut. 6. 7. How often doth *Solomon* exhort to this duty, and earneſtly perſwade all, eſpecially Children,

Children, to hearken unto, underſtand, remember, and conſtantly follow the Inſtruction of their Parents and their Teachers? This was the care of *Moſes*, of *Joſhua*, the Judges and good Kings of *Judah*. For this end the Prieſts, *Levites*, and *Scribes* were ordained of God, and the Schools of the Prophets were erected for this work. This was one prime work of the *Levite*, to teach *Jacob* God's Judgments, and *Iſrael* his Laws, *Deut.* 33. 10. This ſame commandment of ſpiritual Education is repeated in the New Teſtament. Parents muſt bring up their Children in the nurture and admonition of the Lord. This was the great work of Apoſtles, Prophets, Evangeliſts, Paſtours and Teachers. For, they muſt not only pray, but teach, and labour, not only for converſion, but the edification of the Churches children. Every Chriſtian ſhould help and further one another in this work. As Parents in their Families ſhould have knowledge, and be able to inſtruct their Children, ſo all Schools ſhould have a care to inſtruct the Schollars, not only in Languages and humane Learning, but alſo in the ſaving Doctrine of Salvation. This was the reaſon, why by the Canons of the Church they were bound to Catechiſe the Children committed to their charge. The Uni-

*A ſpecial Work of the Levite.*

Univerſities and Colledges were bound to this likewiſe, and were Seminaries, not only for Lawyers, Philoſophers and Phyſitians, but eſpecially for Divines, who, though they improved their knowledge in Arts and Languages, yet it was in ſubordination to their diviner and more excellent Profeſſion. To this Head belongs correction, good example, and prayer. For the principal Teacher is the Spirit, who muſt write God's truth in the heart, and make all means of Education effectual. The publick and principal Officers, truſted by Chriſt with this work, are the Miniſters of the Goſpel: whoſe work is not meerly and onely to preach and expound, but to catechiſe. In theſe works we are either very negligent or imprudent. For, we ſhould plant and water, and pray to God for the encreaſe: we ſhould lay the foundation and build thereon; yet ſome will do neither, ſome will prepoſterouſly water before they plant, and build before they lay the foundation, and ſo do Chriſt little ſervice, and the Church little good. Some take upon them the Charge, and are inſufficient. Men may teach by word or writing: By word firſt, the principles ſhould be methodically according to the ancient Creeds and Confeſſions be taught: this is the foundation.

Without this Sermons, Expositions, reading of Scriptures, and Books of Piety will not be so profitable, and edifying as they might be. People should be taught to believe the saving and necessary truths of the Gospel, obey his commands, pray for all blessings and mercies, and especially for the Spirit, that their faith may be effectual, their obedience sincere, and also to receive the Sacrament aright, and make right use of their Baptism. Expositions should be plain and clear, that the people may not only hear, but understand, and be moved by the truth understood. Sermons should be so ordered, as that the Texts proposed, and the Doctrines and divine Axiomes thereof may be cleared, understood according to the drift and scope of the Spirit. And the application should be pertinent, to inform the understanding with the truth, and remove errours, and when that is done, to work effectually upon the heart, and make it sensible of its past, and pertinent by the precepts, the comminations and the promises, to comfort and raise up the soul dejected, and this especially by the promises of the Gospel, and upon motives to exhort to duty, and upon reasons restrain from sin. This Ordinance and means of divine institution is much abused many ways, by in-

inſtilling of erroneous and novel opinions, with which the people are much taken, if delivered with good language by impertinencies, digreſſions, quaint terms and formalities. But of theſe things I have ſpoken in my *Divine Politicks*. This inſtitution is ſo neceſſary, that without it the Church cannot ſubſiſt, nor the Government thereof be effectual.

Sect. 11. Thus you have heard, that the ſubject, or as ſome call it, the object of Politicks is a Common-wealth, the ſubject whereof is a Community, and the parts the Soveraign and the Subject. According to this method, though mine ability be not much, I have ſpoken of a Community both Civil and Eccleſiaſtical, and of a Common-wealth, 1. Civil, then 2. Eccleſiaſtical. In both the firſt part is the Soveraign, where I enquire, 1. Into his power civil, and then into the ſpiritual power of the Keys in the Church. 2. I proceed to declare how the Civil Soveraign acquires, or loſeth his power, and how the Church derives her power, or is deprived of it. 3. The next thing is, the ſeveral ways of diſpoſing the power civil in a certain ſubject, whence ariſe the ſeveral forms of Government civil, and the diſpoſal of the power of the Keys; the primary ſub-

ject whereof is not the Pope, or Prince, or Prelate, or Presbyter, or People, as diſtinct from Presbyters, but the whole particular Church, which hath it in the manner of a free State. Here ſomething is ſaid of the extent of the Church. After all this comes in *pars ſubdita*, both Civil and Eccleſiaſtical, where I ſpeak of the nature of ſubjection, and of the diſtinction, diviſion and education of the Subjects, both of the State and Church. All this is done with ſome ſpecial reference both to the State and Church of *England*, deſiring Peace and Reformation. If any require a reaſon, why I do not handle Eccleſiaſtical Government and Civil diſtinctly by themſelves without this mixture, the reaſons are eſpecially two: 1. That it might be known, that the general Rules of Government are the ſame both in Church and State: for both have the ſame common principles, which by the light of Reaſon, Obſervation and Experience, may be eaſily known, but eſpecially by the Scriptures, from which an intelligent Reader may eaſily collect them. Therefore, it's in vain to write of Church-Government, without the knowledge of the Rules of Government in general, and the ſame orderly digeſted. The ignorance of theſe is the cauſe why ſo many write at random

dom of Diſcipline, and neither ſatisfie others, nor bring the Controverſies concerning the ſame unto an iſſue. 2. By this joynt handling of them, the difference between Church and State, Civil and Eccleſiaſtical Government; the power of the Sword and Keys is, more clearly, as being laid together, apparent: For this is the nature of Diſſentanies, *Quod juxta poſita clarius eluceſcunt.* This is againſt *Eraſtus*, and ſuch as cannot diſtinguiſh between the power of ordering Religion for the external part, which belongs unto the civil Soveraigns of all States, and the power of the Keys, which is proper to the Church, as a Church. Yet, if theſe two Reaſons will not ſatisfie, and ſome Reader may deſire and wiſh they had been handled diſtinctly, he may read them as diſtinct and ſeveral even in this Book. I my ſelf had ſome debate within my ſelf, what way I ſhould handle them, yet upon theſe reaſons I reſolved to do as I have done.

A Common-wealth once conſtituted, is not immortal, but is ſubject to corruptions, converſion and ſubverſion. The Authors of Politicks following the Philoſopher, make theſe accidents the laſt part of their Political Syſtems: and ſome ſpeak of them more briefly, ſome at large: and declare the cauſes, and preſcribe Sect. 12.

scribe the Remedies, both for prevention and recovery. Corruption is from the bad constitution, or male-administration; and both Soveraign and Subject may be, and many times are guilty. The conversion and woful changes, and also the subversion and ruine is from God as the Supream Governour and just Judge of Mankind, who punisheth not only single and private Persons and Families, but whole Nations and Common-wealths. Of these things the Scripture, humane Stories, and our own experience do fully inform us. But of them, if it may be useful, I shall speak more particularly and fully in the second Book: the subject whereof in general, is, Administration; in particular, Laws and Canons; Officers of the State and of the Church, and Jurisdiction both Civil and Ecclesiastical. The reasons why I desire to publish this first, and severally from the latter part, are partly, because, though the first draught of that latter part was finished above half a Year ago, yet I intend to enlarge upon the particulars: partly because I desire to know, what entertainment this first part may meet withal; for if it be good, I shall be the more encouraged to go forward: but chiefly, because the most material Heads and Controversies are handled in this, which

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is far more difficult. The latter will be more eaſie, yet profitable and uſeful, eſpecially if ſome of greater ability would undertake it. The God of Truth and Peace give us Humility, Patience, Charity and the Knowledge of his Truth; that holding the Truth in Love, we may grow up unto him in all things, which is the Head, even Chriſt, to whom be Honour, Glory and Thanks for ever. *Amen.*

*FINIS.*